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EPA Weighs Changing Chemical Data Reporting Rules

By Pat Rizzuto and Tiffany Stecker, 7/21/17

The EPA may revise a regulation used to collect chemical production volume and other information from chemical manufacturers, according to an updated spring regulatory agenda it released July 20.

It has delayed work on a final and a separate, proposed, Toxic Substances Control Act rule, both of which would have restricted some uses of trichloroethylene (TCE), a solvent degreaser that can cause neurological and other health problems at sufficient levels of exposure.

New, Ongoing Rules

The revised Toxic Substances Control Act rule (RIN:2070-AK33) the EPA is considering could alter the information chemical makers must submit under the Chemical Data Reporting (CDR) rule.

The rule requires manufacturers—including importers—to provide the EPA with production volume, processing and use, and other information for chemicals made or imported above specified thresholds. Manufacturers' next reports are due in 2020 and data from past reports has informed EPA's oversight of industrial chemicals under the 2016 Lautenberg Chemical Safety Act.

The Environmental Protection Agency also continues to evaluate a Toxics Release Inventory

(TRI) petition (RIN:2070-AK26) to add 25 chemicals to the inventory. The Massachusetts Toxics Use Reduction Act program asked for additions—such as the solvent n-propyl bromide (nPB)—which are made in volumes greater than one million pounds annually and have well-documented health concerns.

Long-Term Actions

Following a flurry of rulemakings the agency issued June 22 to meet the amended toxics law mandates, the agency moved a number of other rulemakings from its immediate activities list to a register of “long-term actions.”

These include a proposed TSCA rule (RIN:2070-AJ94) to align the hazard communication aspects of its significant new use rules, or SNURs, with the Occupational Safety and Health Administration's Hazard Communications Standard. That rulemaking also would have revised reporting requirements for requests that chemical manufacturers submit to the EPA, called pre-manufacture notices (PMNs), when they want to make or import a new chemical (81 Fed. Reg. 49,598).

The American Chemistry Council, the American Fuel & Petrochemical Manufacturers, the American Petroleum Institute, and the American Coatings Association were among the industry groups that told the EPA its proposed revisions went too far. Competitors could have used some of the changes to get proprietary product or use information, they said.

Other long-term rulemakings include:

- a final rule (RIN:2070-AK03) to prohibit the manufacture, processing and distribution in commerce of TCE as a spotting agent in dry cleaning and in commercial and consumer aerosol spray degreasers,
- a proposed significant new use rule (RIN:2070-AK18) requiring companies that want to make a non-aerosol spray degreaser containing TCE to notify the EPA before doing so,

- a final significant new use rule (SNUR; RIN:2070-AK09) for alkylpyrrolidones, which are used as chemical reactants and in adhesives, coatings, silicone seal removers, and consumer and commercial paint primers, and

- a final SNUR for nonylphenols and nonylphenol ethoxylates, which are detergent-like chemicals used for industrial processes and in personal hygiene, automotive, latex paints, lawn care and some consumer laundry products.

Inactive Rulemakings

The EPA has dropped work on several chemical rules, according to a list of inactive federal rulemaking. These include:

- a proposed TSCA rule to obtain information about chemicals and chemical mixtures used for hydraulic fracturing (RIN:2070-AJ93),

- two possible TSCA rules reassessing ongoing authorized uses of polychlorinated biphenyls (RIN:2070-AJ38; RIN:2070-AK12),

- a final TRI rule (RIN:2070-AK16) to require natural gas processing facilities to report the chemicals released into the environment.

The EPA published the proposed TRI rule adding natural gas processors in the final days of the Obama administration to tighten disclosure requirements of toxic emissions under the Emergency Planning and Community Right-to-Know Act (EPCRA). Under the draft rule, these processing facilities would have had to submit data to the EPA on at least 21 different chemicals, including hydrogen sulfide, toluene, benzene and methanol. Upstream facilities—like hydraulic fracturing wells—would be exempt.

The agency collected comments on the TRI proposal through May 6. The rule has been included

on the last two regulatory agendas, Adam Kron, an attorney for the Environmental Integrity Project (EIP), told Bloomberg BNA. He added that it was unclear whether this action was in line with the requirements for rulemaking under the Administrative Procedure Act.

“I’m not sure what to make of that,” Kron said. “I haven’t seen just parking a rule like this.”

The rulemaking is a result of a petition the EIP and other groups submitted to the EPA in 2012.

The EPA did not respond to questions about the reasons it made these and other regulatory changes.

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**Attachment 1 -- API Comments on Specific Regulations
(top priorities highlighted in yellow)**

Air

Rule	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources (NSPS OOOOa rule) (June 3, 2016; 81 Fed. Reg. 35824)
Opportunity for Improvement	Final rulemaking directly regulates GHGs, in the form of a limitation of methane, as a pollutant. Under the Clean Air Act, the addition of GHGs as a regulated pollutant triggers the development of a regulation to address existing sources across the segments.
Suggested Improvement	EPA should revisit the final rule process the agency undertook that failed to demonstrate that the source category represents a “significant contribution” to endangering public health and welfare. EPA should also continue to work technical issues through administrative reconsideration process and provide immediate compliance date extensions to avoid costly implementation of rule requirement (e.g., leak monitoring and repair) while EPA revisits rule following publication of April 4th Federal Register (82 FR 16331).

Rule	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources (NSPS OOOOa rule) (June 3, 81 Fed. Reg. 35824) --- Alaska specific issues
Opportunity for Improvement	<p>This rule would raise specific issues in Alaska:</p> <p>(1) The Leak Detection and Repair (LDAR) requirements of the OOOOa rule require periodic inspections with a prescribed technology (Optical Gas Imaging cameras and Method 21 detectors), but those instruments do not operate at temperatures less than -4°F per manufacturers’ specifications, so compliance with the rule is not feasible when prevailing weather patterns involve long periods of temperatures below -4°F, such as on the Alaska North Slope.</p> <p>(2) The repair timelines do not adequately account for cold climates considerations. Some components used on the Alaskan North Slope are specially rated to -50°F to maintain integrity in the arctic climate. These specialty parts are not typically available for replacement within 30 days in the event of a leak, as the rule requires. Some parts may take up to 36 months to arrive for replacement because of the special climate rating. This delay due to parts unavailability would require shutdowns, and make the costs of the rule outweigh the benefit.</p> <p>(3) The State of Alaska already requires piping inspection for leaks monthly. When leaks are detected during these inspections, work orders are generated so they may be investigated and repaired. As similar work is already being done and regulated through a State agency, OOOOa is duplicative and does not achieve significant additional emission reduction in Alaska. The costs imposed by the LDAR requirements far outweigh the benefits of the rule.</p> <p>For more information on this topic, please see ConocoPhillips Alaska, Inc.’s OOOOa comment letter dated 12/4/2015 and API’s OOOOa Petition for Reconsideration Letter dated 8/2/2016.</p>
Suggested Improvement	The operations on the Alaskan North Slope should be categorically exempt from the LDAR requirements.

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Rule	Release of Final Control Technique Guidelines for the Oil and Natural Gas Industry (October 27, 81 Fed. Reg. 74798)
Opportunity for Improvement	Initiates requirements for states to incorporate controls for existing oil and gas sources within ozone implementation plans where non-attainment is moderate or above (or in OTR).
Suggested Improvement	EPA should revisit the stringency of the final CTGs and incorporate cost-effective VOC thresholds. EPA should provide clear flexibility to the states that any application of VOC controls within NOx-limited air sheds should be eliminated. Reducing VOC emissions in areas where the NOx-limited air sheds (where NOx emissions are the primary driver of low-level ozone formation) provides no additional environmental benefit.

Rule	Tribal Lands Federal Implementation Plan (FIP) (40 CFR 49)
Opportunity for Improvement	The FIP failed to accommodate synthetic minor sources, requires ESA/NHPA analyses, and is no longer useable for minor source permitting once an area is determined to be non-attainment
Suggested Improvement	EPA should modify the FIP to address all issues raised in API's petition including use of the FIP in ozone non-attainment areas and seek streamlined permitting for synthetic minor sources.

Rule	Emissions Standards for Small Remote Incinerators 40 CFR 60 Subpart CCCC and DDDD (effective February 2018)
Opportunity for Improvement	Small Remote Incinerator (SRI) emissions standards effective in February 2018 pose a serious concern for remote oil & gas operations in AK which do not have direct access to landfill disposal. EPA standards failed to account for waste stream variability and utilize a "pollutant by pollutant" approach to create a hypothetical incinerator. The rules do not consider net environmental benefits or conflicting regulatory requirements to quickly dispose of trash to minimize wildlife interactions in AK. Standards for newly built incinerators are not technically achievable.
Suggested Improvement	EPA should modify the requirements to allow units to meet operational performance standards (e.g., minimum combustion change temperatures, burn time, etc.).

Rule	Accidental Release Prevention Regulations Under Clean Air Act (RMP)
Opportunity for Improvement	EPA promulgated and issued an updated RMP final rule in January 2017 with little to no coordination with OSHA -- if RMP final rule remains as finalized, there will be significant differences between the RMP and PSM rules placing an increased regulatory compliance burden on regulated sites. RMP final rule has significant provisions that have not been shown will improve safety (inspecting all covered units, 3rd party audits, Safer Technology Alternatives & Analysis). EPA has not demonstrated that the benefits of the revised RMP final rule exceed costs.
Suggested Improvement	Initiate new rulemaking allowing the various provisions of concern to be readdressed.

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Rule	Renewable Fuel Standard Program: Standards for 2017 and Biomass-Based Diesel Volume for 2018
Opportunity for Improvement	EPA published the final rule December 12, 2016 with an effective date of February 10, 2017. Problematic provisions include: (1) Unrealistic assumptions were used in predicting 2017 volumes of cellulosic biofuel, E85, E15, and E0; and (2) Fuels mandates do not reflect current markets, creating potential for economic harm.
Suggested Improvement	(1) EPA should utilize its waiver authority in subsequent annual rulemakings to reduce the advanced, cellulosic, and total renewable fuel obligations to ensure the mandate does not exceed the E10 blend wall. In order to maintain a market for ethanol-free gasoline, EPA should not set a RFS mandate that would cause the average mandated ethanol content to exceed 9.7 percent of projected gasoline demand. (2) EPA should use realistic projections of E0, E15, E85 demand and cellulosic production when setting the annual RVOs. (3) EPA should work with Congress to reform and ultimately end this unworkable program.

Rule	Fuels Regulation Modernization – Streamlining (40 CFR Part 79 & Part 80)
Opportunity for Improvement	This action is the first of three phases intended to streamline and modernize EPA's fuels regulations. The purpose of this effort is to update EPA's existing gasoline and diesel regulations to reduce compliance costs for both EPA and industry, improve environmental benefits, and improve compliance assurance with EPA's fuels requirements. In this first phase, EPA will focus on streamlining and modernizing the existing fuels regulatory requirements and designing them in a way to match today's fuel marketplace, undertaking actions such as developing a single common set of provisions and definitions that will apply across all gasoline and diesel programs to reduce complexity, eliminate redundancy, and avoid duplication. Subsequent phases will look at removing variations in in-use fuel requirements and put in place provisions to ensure that health and welfare are protected as new fuels enter the marketplace.
Suggested Improvement	EPA should ensure that it reduces the burden of fuels regulations.

Rule	Startup, Shutdown, Malfunction (SSM)
Opportunity for Improvement	EPA began a systemic process of eliminating existing SSM exemptions and affirmative defense provisions from various Clean Air Act regulations and previously-approved SIPs. This potentially exposes every Title V-permitted manufacturing company, which must shut down and start up their equipment to conduct maintenance activities and other planned and unplanned outages, to citizen suits and potential civil penalties that can be costly and time consuming.
Suggested Improvement	EPA should reverse SSM SIP calls and defend previous SSM interpretations.

Rule	CAA Refinery Consent Decrees
Opportunity for Improvement	Most US refineries have agreed to settlement agreements under the Clean Air Act (aka. Consent Decrees), which were signed in the early 2000s. Many of these refineries have met all the requirements of their respective consent decrees, which should now be terminated. EPA has not allocated enough resources towards working with refineries to terminate their consent decrees.
Suggested Improvement	EPA should allocate more resources towards working with each refinery in order to terminate their respective consent decrees.

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Rule	NAAQS Review: 2015 Ozone NAAQS
Opportunity for Improvement	A more stringent Ozone NAAQS of 70 ppb was promulgated in 2015 without a sufficient science basis. EPA requested and the Court granted EPA's request to evaluate how the Agency wishes to proceed. EPA will need to report to the court on the status every 90 days. The current NAAQS could result in potential long term non-attainment and over-control of domestic sources attempting to overcome background ozone concentrations.
Suggested Improvement	EPA should reconsider the 2015 Ozone NAAQS in a timely fashion. If the EPA does not decide to reconsider 2015 NAAQS, EPA should take steps to expeditiously revoke the 2008 NAAQS.

Rule	NAAQS Implementation (40 CFR Part 51)
Opportunity for Improvement	Implementation rules and associated tools (e.g., robust modeling tools) are not sufficiently flexible and available to implement the NAAQS. Rules should be predictable and provide maximum flexibility to the states and impacted sources. Grandfathering which is addressed in the NAAQS rule itself, does not provide sufficient transition periods when a NAAQS is revised. The current situation can cause uncertainty and costly delays to both states and businesses.
Suggested Improvement	EPA should incorporate the maximum flexibility within the implementation rules.

Rule	NAAQS Implementation (40 CFR Parts 50 and 58)
Opportunity for Improvement	The compliance monitoring network can be improved with updated guidance to more accurate and economical monitoring practices that will reduce monitor interference, inlet height, altitude, and dry calibration effects currently understating NAAQS compliance.
Suggested Improvement	EPA should mandate deployment of new "interference-free" O3 FRMs & FEMs at design value sites, adjustment of current inlet height data to 2 meter outdoor breathing heights above ground level, barometric data adjustment to reflect reduced inhaled gaseous O3 mass in altitude-adapted populations above sea level, and dry calibration/wet operation guidance revision to reduce FRM concentration of O3 and FEM baseline shift effects. Support states in finding the modest resources to substantially improve the monitoring network and thereby limit nonattainment areas to appropriate jurisdictions.

Rule	SIP Attainment/Maintenance Demonstration Modeling
Opportunity for Improvement	States may conduct brute-force modeling which masks the cost-ineffectiveness of control of a particular source type or category. Facilities may be forced to install costly controls that provide little or no improvement in air quality.
Suggested Improvement	EPA should modify implementation rules to require control sensitivity analyses when requested by potentially impacted stakeholders. Sensitivity analyses to be performed in advance of a formal SIP proposal as new implementation rules are proposed.

Rule	Treatment of Data Influenced by Exceptional Events (40 CFR 50 [50.14])
Opportunity for Improvement	The Exceptional Event Rule is too narrow and does not provide the relief from events outside the control of air pollution control agencies. Areas could be classified non-attainment due to NAAQS exceedances attributable to background sources.
Suggested Improvement	EPA should incorporate policies to include lightning, biological processes and international pollution transport for evaluation as an event.

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Rule	NAAQS Review: Standardize Implementation Schedules by finalizing all NAAQS as of 12/31 of the year of completion
Opportunity for Improvement	Implementation dates are driven by the finalization of the rules. Calendar years are used for monitoring data evaluation and ultimately when controls must be installed and attainment demonstrations performed. Conflicting schedules for different NAAQS at times result in a need to install controls more quickly than intended.
Suggested Improvement	EPA should prevent conflicting schedules from different NAAQS by making all NAAQS final as of 12/31 of the year promulgated. Establish a policy and include this final date in any schedule included in deadline consent decrees.

Rule	NAAQS Short Duration 2010 Standards
Opportunity for Improvement	The short-term standards for SO ₂ and others, such as the current 1-hour standards, can cause permit delays due to sources conducting iterative modeling in order to demonstrate that a contemplated project does not “cause or contribute to the exceedance of a NAAQS.” The short duration standards may not provide additional health protection over longer averaging time standards.
Suggested Improvement	When conducting NAAQS reviews, EPA should first consider longer term standards, such as an 8 and 24-hour standard, for contaminants for which a 1-hour standard provides no certain quantifiable additional health benefit.

Rule	Functioning and Role of the Clean Air Scientific Advisory Panel (CASAC) in the National Ambient Air Quality Standards (NAAQS) reviews (Section 109 of the Clean Air Act (CAA) enacted on August 7, 1977 (42 U.S.C. § 7409(d)(2))
Opportunity for Improvement	CASAC panels are not balanced; for example it can be difficult for industry representatives to be included on the committees. The full role of the CASAC as stipulated in the statutory language is not being fulfilled. This situation could result in NAAQS that are more stringent than required.
Suggested Improvement	EPA should select balanced panels. The SAB should ensure CASAC more closely follow the legislative role.

Rule	NAAQS Review: Process and Conclusions in Integrated Science Assessments (ISA) (statutorily known as the Criteria Document) (Section 109 of the Clean Air Act (CAA) enacted on August 7, 1977 (42 U.S.C. § 7409(d)(1))
Opportunity for Improvement	To inform a NAAQS review, EPA (ORD) must evaluate whether a given pollutant causes a given health effect and at what dose. EPA’s weight of evidence methods for determining likelihood/strength of causal links lack clarity, consistency and transparency.
Suggested Improvement	EPA should use consistent criteria for selecting and evaluating studies and use an established weight of the evidence approach to integrate and interpret all available data. EPA should also engage broader scientific community to evaluate current best practices regarding causality and weight of evidence methods.

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Rule	NAAQS Review: Process and Conclusions in Risk and Exposure Assessment (REA)
Opportunity for Improvement	The REA process needs to provide more rigorous and scientifically sound risk assessments including error analysis. In addition to quantitative uncertainty analysis, EPA should quantitatively account for regulatory health dis-benefits (e.g., health dis-benefits of increased unemployment) should also be evaluated, for balancing against anticipated benefits of tightened NAAQS.
Suggested Improvement	EPA should ensure that the REA includes a more rigorous quantitative uncertainty analysis and presentation of a range of plausible risk values.

Rule	NAAQS Review: Policy Assessment (PA)
Opportunity for Improvement	This "staff paper" is reviewed by CASAC and this approach limits other stakeholder input at this pre-rulemaking stage.
Suggested Improvement	EPA should make the administrative change to issue the Policy Assessment as an Advanced Notice of Proposed Rulemaking to gather all stakeholder input on the conclusions of OAQPS

Rule	NAAQS Review: Regulatory Impact Analysis (RIA) (Executive Order 12291)
Opportunity for Improvement	While the NAAQS are not evaluated on their cost while being developed, a draft RIA is produced when the proposed rule is issued. EPA relies on co-benefits from other pollutants to justify a NAAQS (e.g. PM2.5 co-benefits to justify an ozone NAAQS). These inflated benefits are often used to justify more stringent NAAQS than are necessary. RIA's should also characterize the uncertainty in any estimates.
Suggested Improvement	EPA should conduct cost-benefit analyses that do not rely on co-benefits. Analysis should include a robust uncertainty analysis consistent with OMB guidance for developing regulatory impact analyses (RIAs), as required for economically significant rules by Executive Order 13563, Executive Order 12866, and OMB Circular A-4.

Rule	NSR Reforms
Opportunity for Improvement	There continues to be a need for NSR reforms that simplify and streamline permitting. Uncertainty and overly prescriptive permitting requirements can cause significant delays. EPA is restricting use of the actual-to-projected actual test by issuing policy that is inconsistent with the rule, which in turn discourages both companies and states from using these provisions and states to allow their use.
Suggested Improvement	EPA models and procedures need to be updated to improve efficiency and to remove over-conservatism. EPA should finish previous NSR rulemaking efforts to implement improvements in netting and project aggregation evaluations, and incorporate ways to simplify complicated analysis such as BACT/LAER and Routine Maintenance Repair and Replacement Rule (RMRR) exclusion. EPA should issue a policy on use of the actual-to-projected actual test that is consistent with the rule and its intent and clarify that use of the provisions is not a prior approval scheme in the context of minor NSR permitting.

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Rule	Significant Impact Level (SIL) used in PSD Permitting (40 CFR 51, 52)
Opportunity for Improvement	While Significant Impact Levels (SILs) are useful permitting tools, recent EPA guidance regarding SILs for ozone and PM2.5 recommends unnecessarily conservative levels. Unnecessarily conservative/low SILs result in more permit applicants having to conduct a resource intensive and time-consuming cumulative impact analysis.
Suggested Improvement	EPA should update its draft SIL guidance: Revise recommended SIL levels using EPA's previously used approximation of "4% of the NAAQS" or, if EPA sets SILs based on ambient monitor uncertainty, determine values using a 95% confidence interval, not a 50% confidence interval.

Rule	Definition of Ambient Air (NSR Policy and Guidance Database)
Opportunity for Improvement	EPA analysis assumes it is necessary to evaluate the air quality right outside of any facility boundary. This can be needlessly protective, for example in the case of evaluating modeled compliance with an air quality standard on a railroad right-of-way that bisects a manufacturing facility. There are other circumstances where the terrain or other factors make it highly improbable that people will be present. Additional controls and permit delays can result from this approach
Suggested Improvement	EPA should update the definition provided in the NSR Policy and Guidance Database to a reasonable definition that takes into account where people are not likely to be for any extended period of time.

Rule	Petroleum Refinery Sector Risk and Technology Review Rule (December 1, 2015, 80 FR 75178)
Opportunity for Improvement	Final rule published in December 2015 greatly expands control requirements at refinery flares, tanks, pressure-relief devices, and cokers. EPA has lagged in resolving outstanding API petition for reconsideration issues, including those that warrant regulatory language changes.
Suggested Improvement	EPA should reaffirm relevant features of the final rule without any increases in stringency. Accelerate pace of issue resolution, especially for issues for which compliance deadlines approach and for those requiring regulatory language changes. EPA should work to more fully develop the record on important aspects of the rule, like the work practice for pressure relief devices and flares.

Rule	Equipment Leak Standards (40 CFR 60 & 63)
Opportunity for Improvement	EPA has been unwilling to replace Method 21 with optical gas imaging, camera-based monitoring for the detection of leaks of VOCs and HAPs from equipment such as valves, pumps, and compressors.
Suggested Improvement	EPA should initiate rulemaking process to modify all appropriate regulations (e.g., NSPS VV/VVa) to allow use of camera-based equipment leak detection for refineries.

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Rule	Once In, Always In Policy (40 CFR 63)
Opportunity for Improvement	EPA's policy (1995 Seitz memo) is that facilities that are major sources for HAPs on the first compliance date are required to comply permanently with the MACT standard (i.e. - "once in, always in.") This policy serves as a disincentive to older facilities that might otherwise contemplate additional controls or PTE limits to change permit status from major to area source.
Suggested Improvement	EPA should issue new guidance document that revokes this policy and allow sites to switch from major to area source status.

Rule	Work Practice Standards (40 CFR 60 & 63)
Opportunity for Improvement	Increasingly high hurdle for EPA to establish work practice standards capable of addressing periods of malfunction, especially where alternative remedies are prohibitively costly with negligible environmental benefits.
Suggested Improvement	EPA should support work practices as appropriate policy. Evaluate possible statutory change. EPA should solidify as policy that, not only does the agency have authority to establish work practices, but that, in many instances; it's the preferable outcome to advance emission reductions while accommodating the technical limits of strict Clean Air Act rule-setting interpretations.

Rule	Reciprocating Internal Combustion Engine (RICE) NESHAP ZZZZ and NSPS JJJJ
Opportunity for Improvement	The excessive monitoring, reporting, and record keeping associated with these rules result in costs that outweigh the insignificant environmental benefits of regulated emissions from the affected engines.
Suggested Improvement	Revisit rules to identify opportunities for reducing burden associated with rule implementation and exempt portable engines, including emergency generators, from NSPS Subpart JJJJ and from NESHAP Subpart ZZZZ. The monitoring, reporting, and maintenance frequencies within these rules should be reduced. The rules should only be applicable to engine manufacturers based on model year with no recordkeeping requirements at the stationary source.

Rule	National Emission Standards for Hazardous Air Pollutants; Site Remediation (May 13, 2016, 81 Fed. Reg. 29821)
Opportunity for Improvement	This proposed rule unnecessarily imposes stringent regulatory requirements on remedial activities that EPA itself has admitted are already adequately controlled under CERCLA and RCRA. This proposed rule would remove the existing exemption from the NESHAP standards for site remediation activities performed under CERCLA or a RCRA corrective action.
Suggested Improvement	EPA should not finalize rule.

Rule	General CEMS and CPMS QA/QC Requirements under MACT and NSPS
Opportunity for Improvement	EPA has become overly prescriptive in specifying CEMS and CPMS QA/QC requirements under MACT and NSPS. These requirements are complex, confusing, and costly to comply with, and provide little to no additional environmental protection as compared to adhering to manufacturers specifications. EPA should refrain from more prescriptive requirements and simply specify that sites adhere to manufacturer's specifications for these analyzers
Suggested Improvement	EPA should only require CEMS and CPMS analyzers to meet the QA/QC requirements specified by the manufacturer.

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Rule	Flare Requirements under NESHAP and NSPS
Opportunity for Improvement	EPA has recently promulgated new flare combustion efficiency and emergency flaring requirements in the Refinery Sector Rule (§63.670). In addition, EPA has also approved several Alternative Means of Limitation (AMEL) petitions for multi-point flares. To efficiently allow the utilization of these new standards and approaches in other industry sectors and for sites with multi-point flares, EPA should amend the MACT and NSPS General Provisions to allow others to utilize these new approaches.
Suggested Improvement	EPA should consolidate flare requirements by amending the MACT (§63.11) and NSPS (§60.18) General Provisions in a manner consistent with the Refinery Sector Rule and the approved AMELs.

Rule	Equipment Leak Standards (40 CFR 60 & 63) – Subparts KKK, OOOO, OOOOa, VV, VVa, HH
Opportunity for Improvement	The Leak Detection and Repair regulations are a complex web of regulatory requirements for the monitoring of leaks at natural gas plants. Although well-intended, the current enforcement initiative of LDAR where EPA obtains individual company databases containing thousands upon thousands of monitoring data points and runs diagnostics on the databases to look for data inconsistency, record mishaps, or missing data has resulted in an intense investment of resources and enforcement actions.
Suggested Improvement	The LDAR regulations found at Subpart KKK, Quad O, Quad Oa, VV, VVa all should be reviewed and revised to require the on-going conduction of leak monitoring and repairs but to provide more flexibility in repair schedules, monitoring corrections. The focus should be on a well-run monitoring and repair program, and permit upon discovery of minor recordkeeping or monitoring failures, the ability to make corrections and adjustment to the LDAR programs without having violated the regulations. Adding regulatory clarity to this program objective would save the government and industry thousands of man-hours spent on evaluating minor recordkeeping concerns.

Rule	Recordkeeping and Reporting (40 CFR 60, 61 and 63)
Opportunity for Improvement	Several rules under NSPS and NESHAPS require either quarterly or semi-annual reports for various requirements. These reports are time consuming and do not provide any environmental benefit.
Suggested Improvement	Any periodic report should only occur on an annual basis or at the very least, should only be required no more than semi-annually. It is also suggested that the periodic report due dates be staggered throughout the year instead of at the mid or end of year timeframe.

Rule	Performance Test (40 CFR 60, 61 and 63)
Opportunity for Improvement	Some federal air regulations (e.g., NSPS Subpart Ja) require annual certifications (Relative Accuracy Testing Assessment or RATA) on the continuous emission monitoring devices. The rule also requires quarterly cylinder gas audits (CGAs), which are also a form of analyzer system certification. These annual RATAs are costly and are unnecessary, especially since you are performing a quarterly system assessment. Furthermore, some rules only require CGAs to be done after the initial RATA has been conducted for items required to have CEMS. A re-RATA is required under these regulations only in the event if there is a significant change in the system (e.g. change analyzer system, probe locations, etc.).
Suggested Improvement	CGAs should be adequate to ensure that the monitoring systems are operating correctly without the increased costs of the annual RATAs.

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Rule	Greenhouse Gas Reporting Program (GHGRP) for these Subparts: Subpart A (General Provisions), Subpart C (Stationary Combustion), Subpart P (Hydrogen Production), Subpart Y (Petroleum Refineries), Subpart MM (Suppliers of Petroleum Products), Subpart NN (Suppliers of Natural Gas and Natural Gas Liquids), Subpart PP (Suppliers of Carbon Dioxide), Subpart RR (Geologic Sequestration of Carbon Dioxide) Subpart W (Petroleum & Natural Gas Systems)
Opportunity for Improvement	For each Subpart, API provided unique technical and operational input pertinent to the specific Subpart, to achieve a balance between the burden of data collection and reporting, the need to protect sensitive information and ensure that reporting requirements are placed on the correct reporters, while providing the highest quality data. In past comments, API noted that EPA has other avenues to acquire the needed information- such as commercial data systems DI-Desktop or the EIA's information for onshore production, or the monthly reports to the Bureau of Ocean Energy Management (BOEM) at the well level, for offshore production.
Suggested Improvement	1) Petition to Reconsider has already been filed for some Subparts. 2) In the past, API requested that EPA and OMB implement a GHGRP that would provide for less frequent reporting, such as every 2-3 years. This would be based upon an analysis of the burden of ongoing annual reporting and upon the lack of material change in annual emissions in many sectors that are pertinent to the petroleum and natural gas industry. 3) EPA should focus on the most significant emission sources instead of focusing on overly-frequent reporting of minor sources. To further streamline the GHGRP it is suggested that the use of company records such as historical samples and engineering calculations should be allowed to avoid expensive and unnecessary calibration and sampling activities. Also GHG reporting should be confined to estimated GHG emissions as opposed to inputs such as feed or product volumes. 4) EPA should organize its efforts such that the GHGRP reported data (which pertains to major emitters in 42 industrial sectors nationwide) is used to inform the development of EPA's National Greenhouse Gas Inventory, both for activity data and emission factor data. Better alignment of the GHGRP with the national GHG Inventory ensures better utilization of resources and personnel for both industry and the EPA

Rule	Greenhouse Gas Reporting Program (GHGRP): Leak Detection Methodology Revisions for Petroleum and Natural Gas Systems (Subpart W)
Opportunity for Improvement	Finalized three new reporting requirements and added two new monitoring methods for detecting leaks from oil and gas equipment for facilities conducting equipment leak surveys in all of the segments subject to reporting under Subpart W. EPA needs to preserve consistency of measurements and emission estimation methodology among sites, basins and nationwide as well as with NSPS Subpart OOOOa.
Suggested Improvement	Petition to Reconsider has been filed on 1/27/2017. This rule is tied to the outcome of NSPS OOOOa.

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Rule	EPA Greenhouse Gas Reporting Program
Opportunity for Improvement	Currently, pneumatic devices, including pneumatic controllers, account for over 30 percent of methane emissions in the oil and gas sector in part due to overstated emission rates for pneumatic controller emission factors. These overstated emission factors make pneumatic controllers the largest oil and gas source category of methane emissions and cause the EPA to overstate overall oil and gas sector methane emissions. New research and emission measurement demonstrate that emission factors for intermittent pneumatic devices are much lower than reflected in EPA's current GHG reporting program.
Suggested Improvement	Continue work on EPA Greenhouse Gas reporting program to update estimated emission factors for intermittent pneumatic devices to align with the latest research, such as Allen et al, <i>Methane Emissions from Process Equipment at Natural Gas Production Sites in the United States: Pneumatic Controllers</i> (2014) and Thoma et al, <i>EPA's Assessment of Uinta Basin Oil and Natural Gas Well Pad Pneumatic Controller Emissions</i> (2017).

Rule	Revisions to the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas (GHG) Permitting Regulations and Establishment of a Significant Emission Rate (SER) for GHG Emissions Under the PSD Program
Opportunity for Improvement	EPA's legal authority to establish such <i>de minimis</i> SER thresholds under the Clean Air Act is well-established when the administrative and economic burdens associated with permitting are not justified by the trivial emissions reductions from sources that emit below the <i>de minimis</i> threshold. Thus, there is no legal barrier to establishing an appropriate SER for GHG emissions.
Suggested Improvement	Carbon capture and storage ("CCS") should not be the basis for setting the SER a commercially viable emission control for stationary sources and should not be used to establish a <i>de minimis</i> threshold. EPA should consider comments submitted on the proposed SER rule and establish a <i>de minimis</i> thresholds significantly above 75,000 tpy. The proposed rule does not fully correct the PSD rule language in order to implement the UARG Supreme Court decision. EPA should consider comments on rule changes needed to fully implement UARG, such as to ensure that BACT for GHGs would not be required if a source only triggers non-attainment NSR but had a significant increase in GHGs.

Rule	Electronic Reporting (40 CFR 60 & 63)
Opportunity for Improvement	Rules require facilities to electronically report performance test and performance evaluation data. However, EPA's existing electronic infrastructure is limited, unreliable, and not currently capable of receiving all of the information that facilities are required to report. EPA should drop the electronic reporting requirement until the system is reliable and capable of receiving all of the required information.
Suggested Improvement	EPA should clarify, within the rules, that facilities are not required to provide electronic reports until the system is reliable and capable of receiving all of the required information.

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(top priorities highlighted in yellow)**

Water

Rule	Clean Water Rule: Definition of “Waters of the United States,” 80 Fed. Reg. 37,054, (June 29, 2015).
Opportunity for Improvement	<p>We support the review and ultimate revocation of this rule, as well as EPA’s current effort to better define waters of the U.S. in a way that will protect waters, promote the goals of federalism, and provide certainty for businesses.</p> <p>Problems with the final 2015 Waters of the U.S. Rule include: 1) the Rule is vague in describing features that are purportedly waters of the U.S. (e.g., “tributary,” “adjacent waters,” and “significant nexus”), leaving uncertainty which makes informed decisions impossible without case-by-case determinations; 2) the Rule is overly broad, including many land and water features not within the scope of reasonable interpretation under the Clean Water Act (CWA) and exceeding the Agencies’ Authority under the Commerce Clause; 3) the Rule relied upon EPA’s Connectivity Report, which was still under review by EPA’s Science Advisory Board during the entire comment period for the Rule and after the comment period closed. EPA made meaningful changes to the Connectivity Report , depriving the public of an opportunity to comment on or view the final scientific conclusions in the Connectivity Report during the comment period for the Rule and refusing to extend the comment period to allow for public comment on this critical aspect of the Rule; 4) EPA used federal funds to engage in a substantial advocacy campaign for the Proposed Rule to influence Members of Congress, state government officials, and the general public through aggressive social media tactics that generated superficial support for the Rule through Twitter and Thunderclap, soliciting non-specific statements on clean water and treating these “comments” as support for the Proposed Rule; 5) EPA made substantial changes to the Rule between publication of the Proposed Rule and promulgation of the Final Rule without inviting additional comments from the public; and 6) EPA conducted a flawed cost-benefit analysis that dramatically underestimated and omitted certain key costs from the Rule and overestimated certain benefits of the Rule.</p>
Suggested Improvement	Subject to review under Executive Order 13778, Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule. Seek revocation, receive clear interim guidance, and replacement with a final rule providing more certainty for all stakeholders.

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Rule	Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category, 81 Fed. Reg. 124, 41845 (June 28, 2016)– published December 7, 2016.
Opportunity for Improvement	<p>US EPA announced that it will develop standards for produced water from oil and natural gas operations discharged to POTWs – they set a “zero discharge” limit. This rule banned publicly owned treatment works from accepting waters from unconventional oil and natural gas development, relying only on circular logic and regional data. Repealing it would encourage businesses to advance water treatment technologies and infrastructure. Publicly owned treatment works (POTW) permit conditions can still and fulfill the environmental goal of allowing qualifying waters to be discharged at the only after appropriate permits with strict pretreatment discharge standards have been met. From a business perspective, repealing this rule would encourage the development of and adaptation of advanced water treatment technologies (both on-site and within POTWs).</p> <p>The rule was problematic in several ways: 1) It offered no environmental benefits and created possible environmental consequences (POTWs are already prohibited from accepting waters outside their permitted discharge limitations but this could cause environmental harm by permanently removing one of the few discharge options by which industry can return water to the hydrologic cycle and deprive POTWs of the economic benefits of accepting discharge related flows within their permit limits merely because of the origin of the water); 2) relied on a definition of unconventional previously used at the federal level only for statistical purposes which conflicts with state definitions (causing unintended consequences); 3) was based on a limited and largely regional data set (ironically from one of the regions where the rule conflicts with the applicable state definitions); 4) relied upon insufficient analysis and procedure (with EPA failing to conduct the statutorily required analysis to support their circular logic); and 5) lacked internal coordination within EPA (EPA handled the issue separately from the larger ongoing study on the use of centralized waste treatment facilities, contrary to the holistic approach recommended in the hydraulic fracturing drinking water study).</p> <p>Discharge of produced water from an off-site treatment plant is allowed under the CWA provided the treated water meets applicable water quality standards, and some states have permitted this activity. US EPA has a study underway to evaluate the O&G industry’s use of CWTs. US EPA has stated: “While EPA is conducting a study of CWT facilities that accept oil and gas wastewater to determine if revision to the CWT regulations may be appropriate, EPA is not evaluating any approaches that would directly restrict their ability to accept such wastewaters.”</p> <p>Overall, EPA has not followed the required processes to create standards and there is a concern that since certain regulations have been finalized, they will not “backslide” or make the regulation “less stringent.”</p>
Suggested Improvement	<p>Candidate for replacement with appropriate pretreatment standards. Should only be repealed if replaced with appropriate pretreatment standards</p> <p>Ideas for Revisions: Clarify in the 40 CFR 435 regulations that any type of wastewater is allowed to be sent to POTWs, so long as it can meet the required pretreatment standards developed in a scientific manner. A zero discharge limit is not practical nor justifiable under the Clean Water Act. Also clarify in the CWA that water may be sent to a CWT for treatment and discharge at the surface, so long as the standards for a receiving navigable water are met.</p>

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Rule	2010 Congressionally-directed Study on the Relationship Between Hydraulic Fracturing and Drinking Water.
Opportunity for Improvement	A draft Assessment report was released on June 4, 2015 with the key finding, <i>“the Assessment shows hydraulic fracturing activities have not led to widespread, systemic impacts to drinking water resources.”</i> The SAB Panel provided its recommendation report to the Administrator on August 10, 2016 and a Final assessment was released on December 13 with a revised final conclusion that hydraulic fracturing activities <u>can</u> impact drinking water resources and EPA identifies factors that influence these impacts.
Suggested Improvement	Recognition that extensive scientific data <u>does</u> exist to support EPA’s original topline conclusion and that no additional scientific work was undertaken by the Agency, following the SAB peer review, leading to the final revised conclusion.

Rule	CWA: 40 CFR Part 435, No Discharge “East of the 98th Meridian”
Opportunity for Improvement	<p>The US EPA Oil and Gas Onshore Extraction Point Source Category rule (40 CFR Part 435, Subpart C) regulates the discharge of produced water from oil and gas operations. This regulation prohibits point source discharge of wastewater pollutants into navigable waters from any source associated with production, field exploration, drilling, well completion, or well treatment (i.e., produced water, drilling muds, drill cuttings, and produced sand) east of the 98th meridian. West of the 98th meridian operators can discharge produced water to the navigable waters for beneficial use for agriculture and wildlife propagation (40 CFR Part 435, Subpart E) as long as waste pollutants are removed to acceptable limits for the receiving waters</p> <p>For the most part, operators use different technologies to comply with this “no-discharge” regulation, including underground injection and use of pits or ponds for evaporation. Where direct discharge of wastewater is an option for disposal of wastewater, the owner/operator must obtain an NPDES permit from EPA or a delegated state.</p> <p>There are two problems with this division. First, the choice of the 98th meridian as a divider is inexplicable. Additionally, produced water should be treated like other types of potential discharges – eligible for discharge when permissible under strict permits with limits set based on water quality, economics, and technology.</p>
Suggested Improvement	Clarify in in 40 CFR Part 435 that the discharge of produced water is allowed so long as it can meet the required NPDES standards, protective of navigable receiving waters.

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Rule	40 CFR 60 Subparts CCCC and DDDD and proposed 40 CFR 62 Subpart III, Federal Plan Requirements for CISWI units in Alaska
Opportunity for Improvement	<p>Small remote incinerators (SRIs) in Alaska cannot reliably achieve the emission limits in the 40 CFR 60 Subparts CCCC (emission limits for new units) and DDDD (emission limits for existing units) yet must comply with them either upon installation of a new unit or by February 2018 for existing units. As such, the SRI units in Alaska are, in the worst case, in danger of having to be shut down. In the best case, add-on controls or waste segregation measures would have to be implemented, thus defeating the utility of the SRIs.</p> <p>If the SRIs must be shut down, this could pose substantial problems in remote parts of Alaska—particularly on the North Slope.</p> <p>Incineration of food waste is a key element of measures imposed by state and federal agencies to reduce human-wildlife interaction. For example, the Alaska Department of Natural Resources North Slope Area-wide Lease Sale Mitigation Measures states at Mitigation Measure 4h that,</p> <p style="padding-left: 40px;"><i>“Garbage and domestic combustibles must be incinerated whenever possible or disposed of at an approved site..”</i></p> <p>and at Mitigation Measure 4k,</p> <p style="padding-left: 40px;"><i>“Proper disposal of garbage and putrescible waste is essential to minimize attraction of wildlife..The primary method of garbage and putrescible waste [disposal] is prompt, on-site incineration in compliance with state of Alaska air quality regulations.”¹</i></p> <p>At remote work locations, food waste and other waste must be handled in a manner that does not attract wildlife. If disposal without incineration were relied upon as the waste management method, food wastes will invariably have to be stored to await shipment to a landfill – for some as far as 100 miles away. For remote locations that lack year-round or seasonal access to roads, waste must be flown off-site for disposal. During frequent periods of adverse weather, air shipment of waste may not be possible and the waste could remain stored remotely for several days – increasing the likelihood of attracting wildlife. This poses a threat to both man and animal. Indeed, the very first consideration that a waste management plan required by the Bureau of Land Management for operations in the National Petroleum Reserve – Alaska is this: “The plan shall identify precautions that are to be taken to avoid attracting wildlife to food and garbage.”²</p> <p>Overall, incineration helps to reduce the environmental footprint of remote operations on the North Slope. Without timely destruction of waste, more space would be needed for waste storage, which might translate to additional wetlands impact. For roadless operations, the need to transport waste by air increases emissions and noise. The additional work, costs, and risks associated with those efforts cannot be justified, especially when they come with their own environmental impacts.</p> <p>If the existing emission limits could be met using waste segregation measures, the utility of the SRIs would be largely lost. At remote transient sites such as seismic operations where there are no facilities, waste segregation and hauling are logistically impractical. Plastics will often have food waste on them and separating and storing them for eventual landfill disposal will</p>

¹ http://dog.dnr.alaska.gov/Permitting/Documents/Mitigation_Measures_North_Slope.pdf

² National Petroleum Reserve – Alaska, Integrated Activity Plan, Record of Decision, February 21, 2013, Best Management Practice A-2

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	<p>increase the likelihood of attracting animals. Segregation of the sulfur-containing food wastes, such as egg shells, vegetables, meats, and dairy products will present obvious problems and, more importantly, render the use of incineration moot. There would be no point in having an incinerator if these wastes could not be burned. And the key element of those measures put into place to minimize wildlife interaction will have been defeated.</p> <p>To date, no add-on control technology has been identified that can provide reliable compliance with the emission limits for the types of waste burned on the North Slope. Industry continues to look for such technology, but making an investment without reasonable assurance of compliance would be unsound. Indeed, EPA has stated, "To the extent that these [small remote incinerators] are located in Alaska, a major difference in these types of units is the inability to operate a wet scrubber in the northern climates and the lack of availability of wastewater handling and treatment utilities."³</p>
Suggested Improvement	<p>To solve this problem, EPA should accept newly available SRI emissions data and think outside of its "pollutant-by-pollutant" methodology for setting the floor for new and existing SRIs. Alaska industry is preparing a recommended way to do this within the confines of Clean Air Act section 129 and EPA is urged to extend the February 2018 compliance deadline and work cooperatively with industry to set new standards that are actually achievable.</p>

³ Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units; Proposed Rule, 75 FR 31951, June 4, 2010.

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Rule	U.S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Vessel General Permit for Discharges Incidental to the Normal Operation of a Vessel (VGP)
Opportunity for Improvement	This permit is applicable to discharges incidental to the normal operation of a vessel identified in Part 1.2.2 into waters subject to this permit. These waters are “waters of the United States” as defined in 40 Code of Federal Regulations (CFR) §122.2 (extending to the outer reach of the 3 mile territorial sea as defined in section 502(8) of the CWA). Much of the confusion surrounding the topic is because of overlapping federal laws and regulations as well as variation in local and state laws. EPA VGP regulations should align with or defer to existing USCG ballast water regulations.
Suggested Improvement	Amend VGP to include in 2.2.3.5.2: In cases in which the Coast Guard approves an alternative compliance date to this implementation schedule in accordance with 33 C.F.R. § 151.2036, the schedule for when ballast water treatment management methods become effective, EPA will consider this action to meet BAT requirements.

Rule	Information Collection Effort for Refinery Effluent Limit Guidelines (ELGs) Study– 308 Request
Opportunity for Improvement	ISSUE: EPA is in the process of issuing a 308 request to study refinery wastewater technology under a theory that more stringent technology-based effluent limitation guidelines may be warranted to address additional loadings of selenium and other contaminants from increased use of Canadian heavy crude feedstock and the installation of air pollution control equipment and to address dioxins and polynuclear aromatics from particular refinery operations. The outcome of the study could lead to more stringent ELGs. This could lead to additional, technically difficult, costly controls with little to no water quality benefit.
Suggested Improvement	EPA should not issue the ICR and/or subsequently conclude that existing technology is already sufficient to protect water resources.

Rule	Spill Prevention, Control, and Countermeasure, 40 CFR 112
Opportunity for Improvement	Complexity and ambiguity of the rule invites regulatory misinterpretation and inequitable enforcement; excessive conservatism, particularly for facilities remote from navigable waters; and unreasonable cost burdens.
Suggested Improvement	Constrain the rule to economically achievable containment; increase applicability thresholds, including the volume threshold to 10,000 gallons; and expand exemptions/off-ramps.

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Rule	Proposed Data Collection Submitted for Public Comment and Recommendations of a Proposed Information Collection Plan on “Health Risks for Using Private Water Wells for Drinking Water, originally published at 81 Federal Register 12902 on and released as an ICR on March 11, 2016 and Submitted an Information Collection Request to OMB on the same topic on June 22, 2016 (81 Federal Register 40703).
Opportunity for Improvement	<p>API’s primary concern was the lack of detail in the actual notice regarding the variables which could affect the outcome of the investigation. The Agency should:</p> <ul style="list-style-type: none"> • Develop specific and appropriate selection criteria to ensure there is no bias from homeowners when choosing a population of private water wells for the investigation. • Indicate how it will consider the geology/hydrogeology where the selected private water wells exist. • Determine how baseline water quality work will be undertaken to understand the aquifer and naturally occurring chemical and biological constituents. • Determine how the implication of positive/negative urine and blood samples be attributed to water rather than other cause. • Develop a response plan should a “contaminant” be found above some health limit and communicate the health limit selected to serve as the baseline. • Determine the anticipated baseline work with respondents to understand individual’s health conditions before the sampling begins. • Follow proper sampling protocols for biological specimens.
Suggested Improvement	The proposal should be reworked to address the concerns raised in the comments API submitted.

Rule	2017 CWA Nationwide Permit 12, SC 17
Opportunity for Improvement	<p>2017 Special Condition 17: “Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.”</p> <p>In the 2017 language “more than minimal adverse effects” is vague and subject to multiple interpretations making the conditions for Tribal consultation more unclear.</p>
Suggested Improvement	Revert back to previous language

Rule	Clean Water Act Section 404(c)
Opportunity for Improvement	Clean Water Act 404(c) allows EPA to deny use of a defined area as a disposal site for dredge and fill activities whenever EPA wishes to make such a determination on the basis of impacts to aquatic life, wildlife or water supplies, be it prior to or even after US Army Corp of Engineers (USACE) has issued a permit authorizing those dredge and fill activities. This provision creates regulatory uncertainty, the potential for high restoration and mitigation costs, and loss of access to sites for industrial activities.
Suggested Improvement	<ol style="list-style-type: none"> 1) A regulatory provision constraining EPA’s actions under 404(c) to prevent EPA from withdrawing a previously issued USACE dredge and fill permit on this basis; and to allow EPA, in consultation with USACE, to condition but not prohibit USACE issuance of a dredge and fill permit authorizing construction activities at a site. 2) Repeal and replace the Clean Water Rule to provide clarity on the definition of Waters of the U. S. applicable to CWA 404(c).

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Toxics

Rule	Addition of Natural Gas Processing (NGP) Facilities to the Toxics Release Inventory (TRI); Community Right-to-Know Toxic Chemical Release Reporting Proposed Rule published at 82 Fed. Reg 1651 on January 6, 2017 with a comment period extension published at 82 Fed. Reg. 12924 on March 8, 2017.
Opportunity for Improvement	On October 24, 2012, the Environmental Integrity Project (EIP) filed a petition with the EPA to add upstream activities to TRI reporting. EPA did not formally respond but separately included TRI review of the upstream sector in its 2013 regulatory agenda. On January 3, 2014 EPA published a notice of receipt of this petition and established a formal docket number to be used to view the petition and related documents. On January 7, 2015, EIP filed suit to compel EPA to make a decision on the petition. After almost a year of legal activity, on October 22, 2015, EPA denied in part the original petition, specifically with regards to upstream sector activity, and granted in part regarding the addition of natural gas processing (NGP) facilities to TRI reporting. On January 6, 2017 EPA published the proposed rule. EPA in its determination of applicability of NGP to TRI reporting, underestimated the associated administrative and financial burdens, and overestimated the benefits gained from the proposed rule.
Suggested Improvement	This regulation should be withdrawn, as EPA did not provide sufficient cause as to why NGP should be subject to EPCRA Section 313.

Rule	Hydraulic Fracturing Chemicals and Mixtures ANPRM originally published at 79 Fed. Reg. 28664 on May 19, 2014 with a comment period extension published at 79 Fed. Reg. 40703 on July 14, 2014.
Opportunity for Improvement	Agency requested information that should be reported or disclosed for hydraulic fracturing chemical substances and mixtures and the mechanism for obtaining this information under TSCA 8(a) or 8(d) or both. The information that would be collected under a TSCA section 8(a) and/or 8(d) rule for chemicals and mixtures used in hydraulic fracturing is already available to EPA. The Agency has more toxicity and exposure information on the additives used in hydraulic fracturing than it has on many other existing chemicals, and available information is more detailed and extensive than information typically collected under TSCA.
Suggested Improvement	The ANPRM should be withdrawn. The Lautenberg Chemical Safety Act (LCSA) creates a risk-based framework for the prioritization and risk evaluation of chemicals, including those used in hydraulic fracturing.

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Rule	Lautenberg Chemical Safety Act (LCSA) Section 6 implementation
Opportunity for Improvement	<p>The proposed “framework” rules to implement LCSA have significant flaws that would render them ineffective, including:</p> <ul style="list-style-type: none"> • Inadequate mechanisms for designating low-priority chemicals; • “Pre-prioritization” EPA activities that would not be transparent; • Lack of adequate clarity on what information sources EPA will use for prioritization and what level of information the Agency will consider sufficient for prioritization; • Unnecessary inflexible focus on all conditions of use in prioritization and risk evaluation; • Reliance on generic guidance in the risk evaluation proposed rule, in lieu of transparency on the specifics of how EPA will conduct risk evaluation; and • Lack of definition of key terms and insufficient clarity on foundational concepts in the risk evaluation proposal. • Casts a wider net on Section 5 PMN reviews that result in unwarranted risk findings and consent orders, contributing to regulatory review delays and increased burden. <p>In order for these important framework rules to be transparent, effective, and operate as LCSA intended, the final rules need to correct the flaws noted above and others that commenters on the proposed rules have flagged.</p>
Suggested Improvement	The proposals should be reworked to reflect the concerns of API, ACC, AFPM and other affected businesses.

Rule	Integrated Risk Information System (IRIS)
Opportunity for Improvement	<p>The Integrated Risk Information System (IRIS) is an EPA program to evaluate the hazards of chemicals and the doses at which those hazards may lead to adverse health effects. EPA's regions and regulatory offices use IRIS values to set regulatory levels in EPA air, water, waste and other programs decisions. The conclusions EPA makes through IRIS ripple through the Agency's regulations, and have led to unnecessarily stringent regulations in some cases. Moreover, IRIS relies on data, information, or methods that are not fully publicly available.</p> <p>In the IRIS program, EPA applies “science policy” to calculate toxicity values. The program generates toxicity values that rely on multiple default adjustment factors to address uncertainty in toxicity estimation. EPA's IRIS methods inflate toxicity estimates, which are then used in EPA regulations in many programs. The rationale for choosing the scientific data to be used as the basis for the IRIS numbers is not transparent.</p> <p>The IRIS program is inefficient and not based in sound science, using overly conservative assumptions in lieu of weight-of-evidence and other established scientific principles. The Lautenberg Chemical Safety Act (LCSA) establishes a framework for chemical risk evaluation and includes scientific standards in amended TSCA section 26. All data sources the Agency now uses to generate and analyze toxicity information should be consistent with those standards, and IRIS would need to be significantly revamped to meet them.</p>
Suggested Improvement	Revamp IRIS program through an independent panel/committee

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Rule	TSCA Premanufacture Notification (PMN) 40 CFR Part 720
Opportunity for Improvement	<p>Since the June 2016 passage of the Lautenberg Chemical Safety Act (LCSA), EPA has made changes to its policies for review of TSCA section 5 notices for new chemicals (and section 5 exemption notices). The changes were not intended by LCSA, and have brought EPA's new chemical review to a virtual standstill. The situation in the new chemicals program is resulting in significant impacts on the ability of companies to move forward with technology and business plans that involve new chemicals.</p> <p>TSCA provides for a 90-day review period for new chemicals review, which EPA largely has adhered to in reviews over the past 40 years. However, of hundreds of PMNs under review since June 2016, only about 10% have passed through the process to commercialization. EPA has initiated regulatory action (so-called "5(e) orders") on over 80% of the chemicals under review, as compared to less than 5% in previous years. EPA has made the program changes unilaterally, without transparency or due process</p>
Suggested Improvement	EPA should revert to the in place PMN-program pre-LCSA, and then make any necessary changes through notice and comment rulemaking, as opposed to Agency guidance.

Rule	Notification of Chemical Exports—Toxic Substances Control Act (TSCA) Section 12(b) 40 CFR Part 707 Subpart D
Opportunity for Improvement	<p>TSCA export notification requirements have no health or environmental benefit, and are a prime example of an unnecessary bureaucratic program that should be eliminated. The only intended purpose of TSCA export notification is to enable EPA to notify a receiving foreign country that a chemical being exported to the country from the U.S. is subject to a TSCA action. There is no reason to believe that the information EPA provides is of any use to receiving countries, and more importantly, there are no benefits to the U.S. public interest. Furthermore, the current state of communication and technology has rendered EPA's notices to foreign countries obsolete. When TSCA was enacted in 1976, it would have been difficult for foreign governments to know what chemicals EPA regulated under TSCA. Now this information is readily available on the Internet.</p> <p>TSCA section 12(b) does require that exporters notify EPA of exports and that EPA provide receiving countries with notices, but it does not specifically mandate that EPA carry out its statutory obligation in the manner that it currently does.</p>
Suggested Improvement	Repeal TSCA export notification requirements.

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Waste

Rule	Financial Responsibility Requirements for Facilities in the Chemical, Petroleum and Electric Power Industries (Jan. 11, 2017, 82 Fed. Reg. 3512)
Opportunity for Improvement	Under this Notice of Intent, EPA is indicating that it is proceeding to consider CERCLA financial responsibility for other industries besides mining, including the petroleum industry. CERCLA financial responsibility would be both costly and unnecessary for petroleum facilities. Petroleum manufacturing facilities are already subject to comprehensive federal and state environmental regulations that minimize the risks of future CERCLA liability. In addition, a significant amount of material managed by petroleum refineries is excluded from the definition of hazardous substance and therefore outside the scope of CERCLA 108(b). EPA has not demonstrated the need for CERCLA financial responsibility, particularly since petroleum is exempt from the federal definition of a hazardous substance (and therefore CERCLA liability), and financial responsibility requirements already exist under RCRA addressing similar risks. Finally, most refineries are operated by economically strong companies and are unlikely to require public funding to address releases
Suggested Improvement	A final determination by EPA that CERCLA financial assurance for the petroleum sector is not necessary.

Rule	Definition of Solid Waste (Jan. 13, 2015, 80 Fed. Reg. 1694)
Opportunity for Improvement	EPA's definition of solid waste (DSW) defines what materials are wastes and, therefore, what materials are potentially subject to stringent regulation under RCRA. EPA has expanded this definition so that it captures many materials that are not being discarded, but instead can be beneficially reused in a production process or as fuels, including many materials from petroleum facilities that can be reused in this manner. This creates unnecessary waste management costs and discourages the beneficial reuse of valuable materials.
Suggested Improvement	Reopen the rulemaking to limit the definition and exclude materials that have a beneficial reuse, including materials that can be reinserted into the refinery or safely used as fuels. Note: API and other industry parties filed petitions for review of the 2015 DSW rule, challenging certain provisions of EPA's changes to the definition of solid waste.

Rule	Financial Responsibility Requirements Under CERCLA § 108(b) for Classes of Facilities in the Hardrock Mining Industry (Jan. 11, 2017, 82 Fed. Reg. 3388)
Opportunity for Improvement	Proposed rule establishes important precedent for EPA's imposition of financial responsibility requirements under CERCLA. The proposed rule imposes a complex process for facilities to calculate the amount of financial responsibility required. EPA's own estimates are that the rule will cost individual mining facilities between \$1 and \$19 million per year. In imposing this rule, EPA has neither adequately demonstrated the need and has ignored various other regulatory programs that address the same risks, such as state mining reclamation laws.
Suggested Improvement	A determination by EPA, after receiving public comment on the proposal, that financial responsibility is not necessary or appropriate for mining facilities.

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Rule	Hazardous Waste Generator Improvements Rule (Nov. 28, 2016, 81 Fed. Reg. 85732)
Opportunity for Improvement	<p>This rule made a wide range of changes to the standards for generators of hazardous waste, including several API supported. It also made a significant and unnecessary change by creating a distinction in the requirements between what EPA calls “independent requirements” and “conditions for exemption.” The result is that even minor deviations from the generator standards could result in a facility being considered an unpermitted RCRA facility and subject to both disproportionate enforcement and a range of unnecessary requirements, such as RCRA corrective action.</p> <p>The closure requirements for central accumulation areas will restrict the flexibility facilities have to make changes to their operations and impose burdensome notification and post closure requirements more appropriate for permitted treatment storage and disposal facilities (TSDFs) than 90-day storage areas.</p> <p>Many of the new requirements for contingency plans, particularly the requirement to develop a quick reference guide, are not appropriate or necessary for the many petroleum facilities with trained, internal emergency response teams and which are already subject to stringent process safety management, risk management, and emergency response requirements under other regulatory programs.</p>
Suggested Improvement	<p>Initiate an action to eliminate the distinction between “independent requirements” and “conditions for exemption.”</p> <p>Rescind the closure requirements for central accumulation areas.</p> <p>Eliminate requirement to track containers over the life of site. The focus should solely be on if/when the site closes.</p> <p>Provide an exemption from the quick reference guide for facilities with internal emergency response capabilities.</p> <p>Note: API and other industry parties filed a petition for review of this rule challenging the “conditions of exemption” issue identified above.</p>

Rule	Identification and Listing of Hazardous Waste (listing of K050) (May 19, 1980, 45 Fed. Reg. 33084)
Opportunity for Improvement	In 1980, EPA listed “heat exchanger bundle cleaning sludge from the petroleum refining industry” as a hazardous waste (K050) because of the presence of chromium from the use of corrosion inhibitors in cooling water. Refineries no longer use chromium in corrosion inhibitors yet EPA has never rescinded the listing. Refineries must therefore unnecessarily manage this waste under stringent and expensive hazardous waste rules.
Suggested Improvement	EPA rescinds the listing for K050.

Rule	Addition of a Subsurface Intrusion Component to the Hazard Ranking System (Jan. 9, 2017, 82 Fed. Reg. 2760)
Opportunity for Improvement	This rule will introduce burden and expense, while diverting federal resources with little or no environmental benefit. Most sites with significant vapor intrusion issues are already being addressed under CERCLA or other remedial programs. For other sites, CERCLA is an unnecessary and costly approach to addressing vapor intrusion and these sites are more effectively dealt with through state or even local government programs.
Suggested Improvement	Candidate for repeal.

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(top priorities highlighted in yellow)**

Rule	Emergency Planning and Community Right-to-Know Act (EPCRA) Section 312 Chemical Inventory Requirements (40 CFR Part 370)
Opportunity for Improvement	<p>Under regulations pursuant to EPCRA section 311, facilities must submit safety data sheets (SDSs) for each hazardous chemical present on-site at or above the reporting thresholds to their State Emergency Response Commission (SERC), Local Emergency Planning Commission (LEPC), and local fire department. The reporting thresholds are lower for “extremely hazardous substances” listed at 40 CFR 355, Appendix B. Facilities may choose to submit a list of the hazardous chemicals grouped into hazard categories instead.</p> <p>Although EPCRA section 311 regulations require a one-time submittal, there is another annual inventory report required under EPCRA section 312, which is burdensome and of minimal value. Facilities that are required to submit SDSs or the list of hazardous chemicals under EPCRA Section 311 are required to submit an annual inventory report for the same chemicals (EPCRA Section 312 requirement). This inventory report must be submitted to the SERC, LEPC and local fire department by March 1 of each year.</p> <p>Generating the annual inventory reports is labor intensive, as large sites havethousands of SDSs to include. There has never been any regular auditing of these reports by EPA or state agencies, which calls into question their significance. The value of these reports to emergency responders or for any other meaningful purpose to protect the community or environment is questionable.</p>
Suggested Improvement	Amend the regulations to require submittal of a one-time inventory of Extremely Hazardous Substances as defined in 40 CFR part 355 Appendix A and Appendix B with ranges (i.e., <10klbs, >10klbs and <100klbs, and so forth). Require resubmittals only if there are significant changes.

**Attachment 1 -- API Comments on Specific Regulations
(top priorities highlighted in yellow)**

Other

Rule	1980 National Contingency Plan (NCP) (40 CFR 300), and as amended, 2005 EPA Contaminated Sediment Remediation Guidance for Hazardous Waste Sites / 2002 Principles for Managing Contaminated Sediment Sites
Opportunity for Improvement	The EPA is not following risk management principles as outlined in the NCP regulations and EPA guidance manuals. Several regions apply arbitrary criteria and methods to artificially derive below regional background clean-up criteria leading to multiple +\$1B remedies.
Suggested Improvement	Work with HQ staff to ensure EPA regions follow applicable regulations and guidance. For remedies >\$100M, record of decisions should be approved by HQ staff. Increase authority of CSTAG to oversee region actions. Ensure source control / realistic risk and integrative remedies inclusive of capping / natural recovery and dredging are equally applied.

Rule	National Enforcement Initiative (NEI)
Opportunity for Improvement	The NEI has been focused on the oil and gas industry in recent years, with an undue impact and evaluation of the industry's continued operations.
Suggested Improvement	The NEI should be managed to not focus repeatedly on one industry. Smart effective regulations, along with state enforcement programs, should allow EPA to shift away from NEI altogether.

To: Rees, Sarah[rees.sarah@epa.gov]
Cc: Letendre, Daisy[letendre.daisy@epa.gov]; Tyree, JamesN[tyree.jamesn@epa.gov]
From: Owens, Nicole
Sent: Thur 8/3/2017 4:36:17 PM
Subject: RE: Federal Register Notice list

Hi Daisy –

Below is a list of documents submitted to OFR since January 20, 2017. The list is long, if there is any more information you need or if you are looking for something specific, let us know.

Nicole

Documents Submitted to OFR Since January 20, 2017

FRL	Title	Date Submitted to OFR
9965-88-OAR	Relaxation of the Federal Reid Vapor Pressure (RVP) Gasoline Volatility Standard for Several Parishes in Louisiana	8/3/2017
9965-35-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Illinois	8/3/2017
9965-67-Region 10	Air Plan Approvals, Idaho: Logan Utah/Idaho PM2.5 Nonattainment Area	8/2/2017
9965-69-Region 4	Air Plan Approval; Mississippi: Prevention of Significant Deterioration Updates	8/2/2017
9965-70-Region 4	Air Plan Approval; Mississippi: Prevention of Significant Deterioration Updates	8/2/2017
9964-74-Region 9	Approval and Promulgation of State Implementation Plans; Nevada; Regional Haze Progress Report	8/1/2017
9965-18-OAR	National Emission Standards for Hazardous Air Pollutants: Off-Site Waste and Recovery Operations	8/1/2017
9965-26-Region 9	Approval of California Air Plan Revisions, San Joaquin Valley Unified Air Pollution Control District	8/1/2017
9965-52-Region 1	Air Plan Approval; Connecticut; Infrastructure Requirement for the 2010 Sulfur Dioxide National Ambient Air Quality Standard	8/1/2017
9965-55-OECA	Applicability Determination Index (ADI) Data System Recent Posting: Agency Applicability Determinations, Alternative Monitoring Decisions, and Regulatory Interpretations Pertaining to	8/1/2017

	Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, and the Stratospheric Ozone Protection Program	
9965-56-Region 4	Air Plan Approval; Kentucky; Infrastructure Requirements for the 2012 PM2.5 National Ambient Air Quality Standard	8/1/2017
9965-59-Region 4	Air Plan Approval; Georgia: New Source Review and Permitting Updates	8/1/2017
9965-60-Region 4	Air Plan Approval; Georgia: New Source Review and Permitting Updates	8/1/2017
9965-63-OAR	Revisions to Test Methods, Performance Specifications, and Testing Regulations for Air Emission Sources; Technical Correction	8/1/2017
9965-68-Region 4	Air Plan Approval; Kentucky; Regional Haze Progress Report	8/1/2017
9965-78-Region 8	Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming; Negative Declarations	8/1/2017
9961-69-OCSP	Ethaboxam; Pesticide Tolerances	7/31/2017
	Registration Review; Draft Human Health and/or Ecological Risk Assessment(s) for Benfluralin,	7/31/2017
9961-84-OCSP	Bromuconazole, Carbaryl, Clodinafop-propargyl, Diflufenzopyr, Deltamethrin, Esfenvalerate, Lufenuron, and Mepiquat Chloride/Mepiquat Pentaborate; Notice of Availability	
9963-02-OCSP	Cyclaniliprole; Pesticide Tolerances and Exemption from the Requirement of a Tolerance	7/31/2017
9963-58-OCSP	Beta Cyclodextrin, Methyl Ethers; Exemption from the Requirement of a Tolerance	7/31/2017
9963-80-OCSP	Pesticide Maintenance Fee; Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations	7/31/2017
9963-97-OCSP	Cancellation Order for Certain Pesticide Registrations and/or Amendments to Terminate Uses; Correction	7/31/2017
9965-53-OCSP	Nominations to the Augmented Science Advisory Committee on Chemicals (SACC); Request for Comments	7/31/2017
9965-61-OCSP	Revised Dates for Comment Periods for the November 2017 FIFRA Scientific Advisory Panel	7/31/2017
	Petitions for Objection to State Operating Permits for	7/28/2017
9965-57-Region 4	Duke Energy, LLC – Asheville Steam Electric Plant (Buncombe County, North Carolina) and Roxboro Steam Electric Plant (Person County, North Carolina)	

9965-11-Region 8	Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming; Negative Declarations; Correction	7/28/2017
9965-51-Region 9	Approval and Promulgation of Implementation Plans; Enhanced Monitoring; California	7/28/2017
9965-50-OAR	Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings	7/27/2017
9964-99-Region 2	Proposed CERCLA Cost Recovery Settlement for the Computer Circuits Superfund Site, Hauppauge, Suffolk County, New York	7/26/2017
9965-45-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Regional Haze Best Available Retrofit Technology Measure for Verso Luke Paper Mill	7/25/2017
9965-46-Region 3	Approval of California Air Plan Revisions, Antelope Valley Air Quality Management District	7/25/2017
9965-47-Region 2	Approval and Promulgation of Implementation Plans; New York; Regional Haze Five-Year Progress Report State Implementation Plan	7/25/2017
9965-48-Region 2	Approval and Promulgation of Implementation Plans; New Jersey; Regional Haze Five-Year Progress Report State Implementation Plan	7/25/2017
9965-37-Region 8	Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Revisions to Air Pollution Control Rules	7/25/2017
9965-39-OW	Request for Scientific Views: Draft Updated Aquatic Life Ambient Water Quality Criteria for Aluminum in Freshwater	7/25/2017
9965-40-OA	Notification of a Public Teleconference of the Chartered Clean Air Scientific Advisory Committee (CASAC) and the CASAC Secondary National Ambient Air Quality Standards Review Panel for Oxides of Nitrogen and Sulfur	7/25/2017
9965-31-OLEM	National Priorities List	7/21/2017
9965-36-OLEM	National Priorities List	7/21/2017
9965-49-Region 4	Coronet Industries Settlement	7/21/2017
9965-29-Region 4	Air Plan Approval; Kentucky; Revisions to Louisville; Definitions	7/21/2017
9965-30-Region 4	Air Plan Approval; Kentucky; Revisions to Louisville; Definitions	7/21/2017
9964-22-OCSP	TSCA Inventory Notification (Active-Inactive) Requirements	7/21/2017
9958-88-OAR	Notice of Opportunity to Comment on an Analysis of the Greenhouse Gas Emissions Attributable to Production and Transport of Beta vulgaris ssp.	7/21/2017

9963-89-Region 1	vulgaris (Sugar Beets) for Use in Biofuel Production Air Plan Approval; CT; Reasonably Available Control Technology for the 2008 Ozone Standard	7/21/2017
9965-23-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Requirements for Continuous Emission Monitoring	7/21/2017
9963-04-OCSP	Ametoctradin; Pesticide Tolerance	7/21/2017
9963-22-OCSP	Fenpyroximate; Pesticide Tolerances	7/21/2017
9963-30-OCSP	Certain New Chemicals or Significant New Uses; Statements of Findings for April 2017	7/21/2017
9963-50-OCSP	Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities	7/21/2017
9963-51-OCSP	Pesticide Product Registration; Receipt of Applications for New Uses	7/21/2017
9963-52-OCSP	Pesticide Product Registration; Receipt of Applications for New Active Ingredients	7/21/2017
9963-92-OCSP	Certain New Chemicals or Significant New Uses; Statements of Findings for May 2017	7/21/2017
9965-32-Region 9	Sycamore Removal Site, Hollywood, CA; Notice of Proposed Settlement Agreement and Order on Consent	7/21/2017
9965-33-Region 9	525 South Flower Street, Burbank, California; Notice of Proposed CERCLA Administrative Settlement Agreement	7/21/2017
9965-17-OA	Notification of a Public Meeting of the Chartered Science Advisory Board	7/21/2017
9965-22-OW	Notice of Open Meeting of the Environmental Financial Advisory Board (EFAB)	7/21/2017
9965-24-Region 4	Air Plan Approval; Georgia; Miscellaneous Revisions	7/21/2017
9965-25-Region 4	Air Plan Approval; Georgia; Miscellaneous Revisions	7/21/2017
9964-15-OCSP	Tolpyralate; Pesticide Tolerances	7/21/2017
9960-37-OCSP	Topramezone; Pesticide Tolerances	7/21/2017
9961-77-OCSP	Pseudomonas Chlororaphis Strain AFS009; Exemption from the Requirement of a Tolerance	7/21/2017
9962-96-OCSP	Fenamidone; Pesticide Tolerances	7/21/2017
9965-28-OAR	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	7/20/2017
9931-91-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Wisconsin	7/20/2017
9964-67-OECA	Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity to Comment Regarding JPMorgan Chase Bank, N.A.	7/18/2017
9964-73-OAR	Protection of Stratospheric Ozone: Determination 33	7/18/2017

	for Significant New Alternatives	
	EPA's Intent to Disclose Confidential Business	7/18/2017
9964-82-OAR	Information (CBI) Contained in Vehicle Sales Data for Model Years 2015 to the U.S. Energy Information Administration (EIA) for Use in Modeling and Projecting Energy Demand in the Light-Duty Vehicle Sector	
9964-78-OW	Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants under the Safe Drinking Water Act; Analysis and Sampling Procedures	7/18/2017
9964-92-Region 6	Underground Injection Control Program; Hazardous Waste Injection Restrictions; Petition for Exemption Reissuance	7/18/2017
	- Class I Hazardous Waste Injection; Vopak Logistics Services USA Inc. Deer Park, Texas	
9965-19-Region 1	PROPOSED CERCLA ADMINISTRATIVE COST RECOVERY SETTLEMENT: PARKER STREET WASTE SITE, NEW BEDFORD, MASSACHUSETTS	7/18/2017
9965-16-OA	Local Government Advisory Committee: Request for Nominations	7/18/2017
9964-69-OEI	Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (ICR 2434.75)	7/17/2017
9963-99-Region 6	Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for Bunge North America, Inc. Destrehan Grain Elevator, Destrehan, St Charles Parish, Louisiana	7/17/2017
9962-92-OAR	Notice of Availability of Two Updated Chapters in the Environmental Protection Agency's Air Pollution Control Cost Manual	7/17/2017
9965-12-Region 1	Air Plan Approval; ME; Regional Haze 5-Year Progress Report	7/17/2017
9965-13-Region 4	Air Plan Approval; Florida: Unnecessary Rule Removal	7/17/2017
9965-14-Region 4	Air Plan Approval; Florida: Unnecessary Rule Removal	7/17/2017
9965-03-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, Territory of U.S. Virgin Islands	7/14/2017
9965-20-Region 10	Proposal to Withdraw Proposed Determination to Restrict the Use of an Area as a Disposal Site; Pebble Deposit Area, Southwest Alaska	7/14/2017
9964-11-Region 6	Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for the 2008 8-Hour Ozone National Ambient Air	7/14/2017

	Quality Standard	
9965-08-OAR	Criteria for the Certification and Recertification of the Waste Isolation Pilot Plant's Compliance with the Disposal Regulations: Recertification Decision	7/14/2017
9965-09-Region 1	Air Plan Approval; ME; Consumer Products Alternative Control Plan	7/13/2017
9965-10-Region 1	Air Plan Approval; ME; Consumer Products Alternative Control Plan	7/13/2017
9965-06-Region 9	Approval of California Air Plan Revisions, Sacramento Metropolitan Air Quality Management District	7/13/2017
9965-07-Region 9	Approval of California Air Plan Revisions, Sacramento Metropolitan Air Quality Management District	7/13/2017
9964-80-Region 1	Air Plan Approval; Maine; Motor Vehicle Fuel Requirements	7/13/2017
9964-88-OAR	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines	7/12/2017
9964-89-OAR	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines	7/12/2017
9964-93-Region 4	Air Plan Approval; KY; Revisions to Ambient Air Quality Standards	7/12/2017
9965-00-OAR	Public Hearing for Standards for 2018 and Biomass-Based Diesel Volume for 2019 under the Renewable Fuel Standard Program	7/12/2017
9965-01-Region 4	Air Plan Approval; NC; Open Burning and Miscellaneous Revisions	7/12/2017
9965-02-Region 4	Air Plan Approval; NC; Open Burning and Miscellaneous Revisions	7/12/2017
9964-95-Region 5	Air Plan Approval; Minnesota; State Board Requirements	7/12/2017
9964-96-Region 5	Air Plan Approval; Minnesota; 2008 Ozone Transport	7/12/2017
9964-97-Region 5	Air Plan Approval; Illinois; NAAQS Updates	7/12/2017
9964-98-Region 5	Air Plan Approval; Illinois; NAAQS Updates	7/12/2017
9960-41-Region 4	Notice of Issuance and Notice of Rescission of Outer Continental Shelf Air Permits	7/11/2017
	Program Requirement Revisions related to the Public Water System Supervision Programs for the State of Connecticut, the Commonwealth of Massachusetts, the State of New Hampshire, the State of Rhode Island and the State of Vermont	7/11/2017
9964-54-Region 1		
9964-55-Region 7	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial	7/11/2017

9964-48-Region 5	Deletion of the Ellisville Superfund Site Clean Air Act Operating Permit Program; Action on Petition for Objection to State Operating Permit for Waupaca Foundry Plants 2/3	7/11/2017
9964-29-OLEM	Hazardous Waste Electronic Manifest System ("e- Manifest") Advisory Board; Notice of Public Meeting	7/11/2017
9960-62-OARM	ENVIRONMENTAL PROTECTION AGENCY ACQUISITION REGULATION ADMINISTRATIVE AMENDMENTS	7/11/2017
9964-70-OAR	Proposed Approval of the Central Characterization Project's Transuranic Waste Characterization Program at Los Alamos National Laboratory and Elimination of Distinction Between Retrievably- stored and Newly-generated Transuranic Waste Destined for Disposal at the Waste Isolation Pilot Plant	7/11/2017
9964-71-Region 6	Hazardous Waste Management System; Identification and Listing of Hazardous Waste	7/11/2017
9964-79-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Removal of Clean Air Interstate Rule Program Regulations (CAIR) and Reference to CAIR, and Amendments to Continuous Emission Monitor (CEM) Reference	7/11/2017
9964-90-OA	Notice of Charter Renewal	7/11/2017
9962-36-Region 6	Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions	7/10/2017
9962-37-Region 6	Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions	7/10/2017
9962-38-Region 6	Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions	7/10/2017
9962-39-Region 6	Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions	7/10/2017
9962-42-Region 2	Approval and Promulgation of Plans for Designated Facilities; New Jersey; Delegation of Authority	7/10/2017
9963-60-Region 10	Washington: Proposed Authorization of State Hazardous Waste Management Program	7/10/2017
9963-93-Region 8	Public Water System Supervision Program Revision for the State of North Dakota	7/10/2017
9964-00-Region 10	Public Water Supply Supervision Program; Program Revision for the State of Alaska	7/10/2017
9964-20-Region 6	Approval and Promulgation of Implementation Plans; Louisiana; Regional Haze State Implementation Plan	7/10/2017
9964-36-Region 4	Address and Agency Name Changes for Region 4 State and Local Agencies; Technical Correction	7/10/2017

9964-52-Region 6	Promulgation of Air Quality Implementation Plans; State of Arkansas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan; Revision of Federal Implementation Plan	7/10/2017
9964-68-OEI	Privacy Act of 1974; System of Records	7/10/2017
9964-72-Region 8	Approval and Promulgation of Air Quality Implementation Plans; State of Utah; General Burning Rule Revisions	7/10/2017
9964-81-Region 1	Air Plan Approval; Maine; Decommissioning of Stage II Vapor Recovery Systems	7/10/2017
9964-83-Region 8	Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Revisions to Ozone Offset Requirements in Davis and Salt Lake Counties	7/10/2017
9964-84-Region 8	Approval and Promulgation; State of Utah; Salt Lake County and Utah County Nonattainment Area Coarse Particulate Matter State Implementation Plan	7/10/2017
9964-85-Region 1	Revisions to Control Measures for Point Sources Notice of EPA's Action to Postpone the Effective Date of the EPA Region 1 Clean Water Act National Pollutant Discharge Elimination System General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts	7/10/2017
9964-87-Region 2	Approval of Air Quality Implementation Plans; Puerto Rico; Attainment Demonstration for the Arecibo Area for the 2008 Lead National Ambient Air Quality Standards	7/10/2017
9963-05-OCSP	Labeling Relief; Formaldehyde Emission Standards for Composite Wood Products	7/7/2017
9963-06-OCSP	Labeling Relief; Formaldehyde Emission Standards for Composite Wood Products	7/7/2017
9964-86-OAR	Renewable Fuel Standard Program: Standards for 2018 and Biomass-Based Diesel Volume for 2019	7/7/2017
9964-45-Region 5	Air Plan Approval; Ohio; Control of Emissions of Organic Materials That Are Not Regulated by VOC RACT Rules	7/5/2017
9964-46-Region 5	Air Plan Approval; Ohio; Control of Emissions of Organic Materials That Are Not Regulated by VOC RACT Rules	7/5/2017
9964-61-Region 4	Air Plan Approval; Kentucky; Louisville Miscellaneous Rule Revisions	7/5/2017
9964-64-Region 5	Air Plan Approval; Illinois; Emissions Statement Rule Certification for the 2008 Ozone Standard	7/5/2017
9964-65-Region 5	Air Plan Approval; Illinois; Emissions Statement Rule Certification for the 2008 Ozone Standard	7/5/2017

9964-66-Region 4	Air Plan Approval; North Carolina Miscellaneous Rules	7/5/2017
9964-62-Region 5	Air Plan Approval; Minnesota; Prevention of Significant Deterioration	7/3/2017
9964-63-Region 5	Air Plan Approval; Indiana; Redesignation of the Muncie Area to Attainment of the 2008 Lead Standard; Withdrawal of Direct Final Rule	7/3/2017
9964-75-OA	Notification of a Closed Meeting of the Science Advisory Board's 2017 Scientific and Technological Achievement Awards Committee and Closed Meeting of the Science Advisory Board	7/3/2017
9964-24-OCSP	Procedures for Prioritization of Chemicals for Risk Evaluation under Toxic Substances Control Act	7/3/2017
9964-25-OCSP	Guidance to Assist Interested Persons in Developing and Submitting Draft Risk Evaluations Under the Toxic Substances Control Act; Notice of Availability	7/3/2017
9964-38-OCSP	Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act	7/3/2017
9964-12-Region 2	Proposed CERCLA Sections 104, 106, 107, and 122 Bona Fide Prospective Purchaser Settlement for Removal Action for the Alfred Heller Heat Treating Superfund Site, City of Clifton, Passaic County, New Jersey	7/3/2017
9962-15-OCSP	Flonicamid; Pesticide Tolerances	7/3/2017
9962-97-OCSP	Prosulfuron; Pesticide Tolerances	7/3/2017
9962-98-OCSP	Certain New Chemicals; Receipt and Status Information for April 2017	7/3/2017
9963-16-OCSP	Lambda-Cyhalothrin; Receipt of Applications for Emergency Exemption, Solicitation of Public Comment	7/3/2017
9963-57-OCSP	Scopes of the Risk Evaluations to be Conducted for the First Ten Chemical Substances under the Toxic Substances Control Act; Notice of Availability	7/3/2017
9963-31-OCSP	Access to Confidential Business Information by Syracuse Research Corporation and its identified Subcontractors	7/3/2017
9963-59-OCSP	Receipt of Information Under the Toxic Substances Control Act	7/3/2017
9962-00-OCSP	CACI/Emergent and ARCTIC SLOPE MISSION SERVICES, LLC; Transfer of Data	6/30/2017
9964-49-Region 5	Air Plan Approval; Wisconsin; Site-Specific Sulfur Dioxide Requirements for USG Interiors, LLC	6/30/2017
9964-50-Region 5	Air Plan Approval; Wisconsin; Site-Specific Sulfur Dioxide Requirements for USG Interiors, LLC	6/30/2017
9962-53-Region 9	Approval of California Air Plan Revisions, Antelope Valley Air Quality Management District	6/30/2017

9964-47-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of North Carolina	6/30/2017
9964-51-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Georgia	6/30/2017
9961-59-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of West Virginia	6/30/2017
9964-56-Region 4	Air Plan Approval; TN: Non-interference Demonstration for Federal Low-Reid Vapor Pressure Requirement in Shelby County	6/30/2017
9964-57-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Volatile Organic Compound Reasonably Available Control Technology for 1997 Ozone Standard	6/30/2017
9964-58-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Volatile Organic Compound Reasonably Available Control Technology for 1997 Ozone Standard	6/30/2017
9963-74-OCSP	Compliance Date Extension; Formaldehyde Emission Standards for Composite Wood Products	6/29/2017
9961-05-OCSP	Registration Review Proposed Interim Decisions for Aliphatic Esters, Mepiquat Chloride and Mepiquat Pentaborate, Propylene Glycol and Dipropylene Glycol, Triethylene Glycol, Bromuconazole, and case closures for ADAO, DMHMP, and Nuosept 145; Notice of Availability	6/29/2017
9962-06-OCSP	Buprofezin; Pesticide Tolerance	6/29/2017
9962-13-OCSP	Flubendiamide; Pesticide Tolerances	6/29/2017
9962-19-OCSP	Oxirane, 2-methyl, Polymer with Oxirane, Hydrogen Sulfate, Ammonium Salt and Potassium Salt; Tolerance Exemption	6/29/2017
9962-59-OCSP	Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations	6/29/2017
9962-60-OCSP	Pyroxsulam; Pesticide Tolerances	6/29/2017
9962-66-OCSP	Certain New Chemicals or Significant New Uses; Statements of Findings for March 2017	6/29/2017
9962-87-OCSP	Product Cancellation Order for Certain Pesticide Registrations	6/29/2017
9962-88-OCSP	Product Cancellation Order for Certain Pesticide Registration	6/29/2017
9961-82-OCSP	Final Rule - Titanium Dioxide; Exemption from the Requirement of a Tolerance	6/29/2017
9962-05-OCSP	Final Rule - Difenconazole; Pesticide Tolerances	6/29/2017
9962-61-OCSP	Final Rule - Indaziflam; Pesticide Tolerances	6/29/2017
9964-01-Region 1	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Shpack Landfill Superfund Site	6/28/2017

9964-03-Region 1	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Shpack Landfill Superfund Site	6/28/2017
	Air Plan Approval and Designation of Areas; KY;	6/28/2017
9964-41-Region 4	Redesignation of the Kentucky Portion of the Cincinnati-Hamilton 2008 8-Hour Ozone Nonattainment Area to Attainment	
9962-34-OW	Definition of "Waters of the United States"; Recodification of Preexisting Rules	6/28/2017
9959-80-OAR	Proposed Information Collection Request; Comment Request; Information Collection Activities Associated with the SmartWay Transport Partnership	6/27/2017
9964-23-Region 1	Air Plan Approval; Rhode Island; Reasonably Available Control Technology for US Watercraft, LLC	6/27/2017
9964-26-Region 1	Air Plan Approval; Rhode Island; Reasonably Available Control Technology for US Watercraft, LLC	6/27/2017
9964-39-Region 4	Air Plan Approval; FL: Hillsborough and Nassau Areas; SO2 Attainment Demonstration	6/27/2017
9964-44-Region 9	Approval and Promulgation of Air Quality State Implementation Plans; California; Ambient Ozone Monitoring Requirements	6/27/2017
9964-33-Region 4	Kentucky; Removal of Stage II Gasoline Vapor Recovery Program	6/27/2017
9964-34-Region 4	Air Plan Approval; FL: Revisions to New Source Review, Definitions and Small Business Assistance Programs	6/27/2017
9964-35-Region 4	Air Plan Approval; FL: Revisions to New Source Review, Definitions and Small Business Assistance Programs	6/27/2017
9964-43-OAR	Proposed Information Collection Request; Comment Request; Engine Emission Defect Information Reports and Voluntary Emission Recall Reports	6/26/2017
9964-02-Region 9	Adequacy Status of Motor Vehicle Emission Budgets in Submitted Ozone Attainment Plan for San Joaquin Valley, California	6/26/2017
	Promulgation of State Implementation Plan	6/26/2017
9964-30-Region 8	Revisions; Infrastructure Requirements for the 2010 SO2 and 2012 PM2.5 National Ambient Air Quality Standards; North Dakota	
	Approval of Section 112(l) Authority for Hazardous	6/26/2017
9964-31-Region 4	Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants; Plating and Polishing Operations	

9964-32-Region 4	Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants; Plating and Polishing Operations	6/26/2017
9963-96-Region 5	Notification of a Public Teleconference of the Great Lakes Advisory Board	6/26/2017
9963-94-Region 8	National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List: Partial Deletion of the Mystery Bridge Road /U.S. Highway 20 Superfund Site	6/26/2017
9963-95-Region 8	National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List: Partial Deletion of the Mystery Bridge Road /U.S. Highway 20 Superfund Site	6/26/2017
9963-90-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Idaho	6/26/2017
9963-49-OAR	Proposed Information Collection Request; Comment Request; Information Collection Request Renewal for the Nox Budget Trading Program to Reduce the Regional Transport of Ozone	6/26/2017
9963-77-OARM	Good Neighbor Environmental Board	6/26/2017
9963-76-Region 5	Air Plan Approval; Illinois; Revised Format for Materials Incorporated by Reference	6/26/2017
9962-16-OECA	Proposed Information Collection Request; Comment Request; See Item Specific ICR Titles Provided in the Text	6/26/2017
9962-43-OAR	Proposed Information Collection Request; Comment Request; Alternative Affirmative Defense Requirements for Ultra-low Sulfur Diesel	6/26/2017
9962-35-OW	Proposed Information Collection Request; Comment Request; Modification of Secondary Treatment Requirements for Discharges into Marine Waters (Renewal)	6/26/2017
9962-14-OAR	Proposed Information Collection Request; Comment Request; Regulation of Fuels and Fuel Additives: Gasoline Volatility	6/26/2017
9962-12-OW	Proposed Information Collection Request; Comment Request; ICR Supporting Statement Information Collection Request for National Pollutant Discharge Elimination System (NPDES) Program (Renewal)	6/26/2017
9961-97-OW	Proposed Information Collection Request; Comment Request; Clean Water Act Section 404 State-Assumed Programs; EPA ICR No. 0220.13, OMB Control No. xxxx-xxxx	6/26/2017
9959-95-OA	Notice of Meetings	6/26/2017

9955-06-Region 2	Approval and Promulgation of Implementation Plans; New Jersey; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference	6/26/2017
9964-10-Region 4	Air Plan Approval; Alabama: Infrastructure Requirements for the 2012 PM2.5 National Ambient Air Quality Standard	6/26/2017
9964-07-Region 4	Air Plan Approval; Kentucky; Revisions to Jefferson County Emissions Monitoring and Reporting	6/26/2017
9964-17-OEI	NSPS for Commercial and Industrial Solid Waste Incineration (CISWI) Units (Renewal); ICR 2384.04	6/23/2017
9962-04-Region 5	Proposed De minimis Settlement with Sunoco (R&M), LLC at Lammers Barrel Site in Beavercreek, Ohio	6/23/2017
9964-08-Region 4	GA and SC: Changes to Ambient Air Standards and Definitions	6/23/2017
9964-09-Region 4	GA and SC: Changes to Ambient Air Standards and Definitions	6/23/2017
9964-06-Region 4	Air Plan Approval; Georgia: Permit Exemptions and Definitions	6/23/2017
9964-04-Region 7	Approval of Missouri's Air Quality Implementation Plans; Reporting Emission Data, Emission Fees and Process Information	6/23/2017
9964-05-Region 4	Air Plan Approval; Georgia: Permit Exemptions and Definitions	6/23/2017
9963-46-Region 6	Approval and Promulgation of Air Quality Implementation Plans; Texas; Redesignation of the Collin County Area to Attainment the 2008 Lead Standard	6/23/2017
9963-47-Region 6	Approval and Promulgation of Air Quality Implementation Plans; Texas; Redesignation of the Collin County Area to Attainment the 2008 Lead Standard	6/23/2017
9964-37-OAR	Extension of Deadline for Promulgating Designations for the 2015 Ozone National Ambient Air Quality Standards	6/22/2017
9961-61-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, Territory of the United States Virgin Islands	6/22/2017
9963-84-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of New Mexico	6/22/2017
9963-41-Region 6	Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County; New Source Review (NSR) Preconstruction Permitting Program	6/22/2017
9963-83-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Hawaii	6/22/2017

9963-85-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Nevada	6/22/2017
9964-19-OW	Fees for Water Infrastructure Project Applications under WIFIA	6/22/2017
9964-18-OEI	National Volatile Organic Compound Emission Standards for Consumer Products; ICR 1764.07	6/21/2017
9964-16-OEI	Consolidated Air Rule (CAR) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) (Renewal); ICR 1854.10	6/21/2017
9963-36-OEI	NSPS for Equipment Leaks of VOC in Petroleum Refineries/ICR No.0983.15	6/21/2017
9961-83-OA	Request for Nominations of Candidates to the EPA's Clean Air Scientific Advisory Committee (CASAC) and the EPA Science Advisory Board (SAB)	6/21/2017
9964-13-OAR	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry: Alternative Monitoring Method	6/20/2017
9964-14-OAR	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry: Alternative Monitoring Method	6/20/2017
9960-85-OEI	NSPS for Kraft Pulp Mills (Renewal)/ICR No.2485.03	6/20/2017
9961-08-OEI	NESHAP for Polyether Polyols Production (Renewal)/ICR No.1811.10	6/20/2017
9963-17-OEI	National Estuary Program (Renewal)/ICR No. 1500.09	6/20/2017
9963-18-OEI	General Administrative Requirements for Assistance Programs (Renewal)/ICR No.0938.21	6/20/2017
9963-23-OEI	Requirements for Certified Applicators Using 1080 Collars for Livestock Protection"/ICR No. 1249.11	6/20/2017
9963-69-Region 5	Approval and Promulgation of Air Quality Implementation Plans; Indiana; CFR Update	6/20/2017
9963-70-Region 5	Approval and Promulgation of Air Quality Implementation Plans; Indiana; CFR Update	6/20/2017
9963-72-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Permits, Approvals, and Registrations	6/20/2017
9963-75-Region 7	Approval of Missouri Air Quality Implementation Plans; Determination of Attainment for the 2010 1-hour Primary Sulfur Dioxide National Ambient Air Quality Standard; Jefferson County Nonattainment Area	6/20/2017
9960-08-Region 9	Approval and Limited Approval and Limited Disapproval of Air Quality Implementation Plans; California; Mendocino County Air Quality Management District; Stationary Source Permits	6/20/2017

9955-66-Region 9	Approval of California Air Plan Revisions, Great Basin Unified Air Pollution Control District and Town of Mammoth Lakes	6/20/2017
9955-67-Region 9	Approval of California Air Plan Revisions, Great Basin Unified Air Pollution Control District and the Town of Mammoth Lakes	6/20/2017
9963-73-Region 5	Air Plan Approval; Indiana; Redesignation of the Indiana Portion of the Cincinnati-Hamilton, OH-IN-KY Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter	6/19/2017
9962-93-Region 4	Stony Hill Road Site Wake Forest, Wake County, North Carolina; Notice of Settlement	6/19/2017
9963-87-Region 1	Air Plan Approval; ME; New Motor Vehicle Emission Standards	6/19/2017
9963-88-Region 1	Air Plan Approval; VT; Infrastructure State Implementation Plan Requirements	6/19/2017
9963-81-Region 3	Air Plan Approval; Delaware; Infrastructure Requirements for the 2012 Fine Particulate Matter Standard; Extension of Comment Period; Availability of Data	6/16/2017
9963-86-Region 9	Approval of California Air Plan Revisions, Western Mojave Desert, Rate of Progress Demonstration	6/16/2017
9963-79-Region 9	Approval and Promulgation of Air Quality Implementation Plans; Nevada; Rescission of Visibility Protection Federal Implementation Plan for the Mohave Generating Station	6/16/2017
9963-67-OAR	Correction to Incorporations by Reference	6/16/2017
9963-26-OAR	Allocations of Cross-State Air Pollution Rule Allowances from New Unit Set-Asides for the 2017 Compliance Year	6/16/2017
9960-34-Region 7	Proposed Administrative Cost Recovery Settlement under Section 122(h) of the Comprehensive Environmental Response Compensation and Liability Act, as amended, 42 U.S.C. 9622(h), Beatrice Former Manufactured Gas Plant Superfund Site, Beatrice, Nebraska	6/15/2017
9958-46-OLEM	Amendment to Standards and Practices for All Appropriate Inquiries Under CERCLA	6/15/2017
9958-47-OLEM	Amendment to Standards and Practices for All Appropriate Inquiries Under CERCLA	6/15/2017
9962-95-OAR	Alternative Method for Calculating Off-cycle Credits under the Light-duty Vehicle Greenhouse Gas Emissions Program: Applications from BMW Group, Ford Motor Company, and Hyundai Motor Group	6/14/2017
9963-11-ORD	Ambient Air Monitoring Reference and Equivalent Methods: Designation of One New Reference	6/14/2017

9963-45-Region 10	Method and One New Equivalent Method Re-Proposal of an NPDES General Permit for Offshore Seafood Processors in Federal Waters off the Washington and Oregon Coast (Permit Number WAG520000)	6/14/2017
9963-44-OAR	Notice of Final Approval for an Alternative Means of Emission Limitation at Chevron Phillips Chemical Company LP	6/14/2017
9963-62-Region 5	Notice of Determination of Adequacy of Michigan's Research, Development and Demonstration (RD&D) Permit Provisions for Municipal Solid Waste Landfills (MSWLF)	6/14/2017
9963-63-Region 5	Notice of Determination of Adequacy of Illinois' Research, Development and Demonstration (RD&D) Permit Provisions for Municipal Solid Waste Landfills (MSWLF)	6/14/2017
9963-64-Region 5	Notice of Determination of Adequacy of Minnesota's Research, Development and Demonstration (RD&D) Permit Provisions for Municipal Solid Waste Landfills (MSWLF)	6/14/2017
9960-39-Region 9	Approval of California Air Plan Revisions, Mojave Desert Air Quality Management District, Northern Sierra Air Quality Management District, and San Diego County Air Pollution Control District	6/12/2017
9960-40-Region 9	Approval of California Air Plan Revisions, Mojave Desert Air Quality Management District, Northern Sierra Air Quality Management District, and San Diego County Air Pollution Control District	6/12/2017
9963-24-OA	Notification of a Public Teleconference and Public Meeting of the Science Advisory Board Chemical Assessment Advisory Committee Augmented for the Review of EPA's draft Ethyl Tertiary Butyl Ether (ETBE) and tert-Butyl Alcohol (tert-butanol; tBA) Assessments	6/12/2017
9963-39-OAR	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements	6/12/2017
9963-43-Region 9	Approval of Nevada Air Plan Revisions, Clark County Department of Air Quality and Washoe County Health District	6/12/2017
9963-78-Region 9	Proposed Approval of California Air Plan Revisions, South Coast Air Quality Management District (SCAQMD)	6/12/2017
9963-82-OAR	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month Stay of Certain Requirements	6/12/2017

9956-83-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Minnesota	6/9/2017
9957-10-OW	Effluent Limitations Guidelines and Standards for the Dental Category	6/9/2017
9959-78-OCSP	Final Test Guideline; Product Performance Test Guidelines; OCSPP 810.3900 Laboratory Product Performance Testing Methods for Bed Bug Pesticide Products; Notice of Availability	6/9/2017
9961-80-OCSP	Isofetamid; Pesticide Tolerances	6/9/2017
9961-95-OCSP	Spirotetramat; Pesticide Tolerances	6/9/2017
9963-48-Region 4	Air Plan Approvals; TN; Prong 4–2010 NO ₂ , SO ₂ , and 2012 PM _{2.5} NAAQS	6/9/2017
9963-55-OLEM	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Further Delay of Effective Date	6/9/2017
9963-56-Region 9	Approval of California Air Plan Revisions, Placer County Air Pollution Control District	6/9/2017
9963-68-ORD	Human Studies Review Board; Notification of Public Meetings	6/9/2017
9961-19-Region 3	Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Update to Materials Incorporated by Reference	6/8/2017
9962-57-Region 9	Revisions to the California State Implementation Plan; Imperial County Air Pollution Control District; Stationary Sources Permits	6/8/2017
9961-68-OCSP	Cumene Sulfonic Acid and its Ammonium, Calcium, Magnesium, Potassium, Sodium and Zinc salts; Exemption from the Requirement of a Tolerance	6/8/2017
9962-48-Region 6	Approval and Promulgation of Implementation Plans; Texas; Clean Air Act Requirements for Vehicle Inspection and Maintenance and Nonattainment New Source Review	6/8/2017
9962-49-Region 6	Approval and Promulgation of Implementation Plans; Texas; Clean Air Act Requirements for Vehicle Inspection and Maintenance and Nonattainment New Source Review	6/8/2017
9962-75-Region 6	Approval and Promulgation of Implementation Plans; New Mexico; Regional Haze Progress Report State Implementation Plan	6/8/2017
9958-61-Region 6	Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Infrastructure and Interstate Transport for the 2012 Fine Particulate Matter Standard	6/8/2017
9963-65-Region 10	Approval and Promulgation of Implementation Plans; AK: Adoption Updates and Rule Revisions	6/8/2017

9962-55-Region 9	Conditional Approval of Revision to the California State Implementation Plan; Imperial County Air Pollution Control District; Stationary Sources Permits Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Attainment Plan for 1997 8-Hour Ozone Standards	6/7/2017
9962-54-Region 9	Proposed Settlement Agreement, Clean Air Act Petition for Review; Reopening of Comment Period Meetings of the Local Government Advisory Committee and the Small Communities Advisory Subcommittee (SCAS)	6/6/2017
9962-52-OGC	Approval and Promulgation of Implementation Plans; Texas; Control of Air Pollution from Motor Vehicles with Mobile Source Incentive Programs	6/6/2017
9963-37-OA	Approval and Promulgation of Implementation Plans; Texas; Control of Air Pollution from Motor Vehicles with Mobile Source Incentive Programs	6/6/2017
9962-33-Region 6	Pesticide Product Registration; Receipt of Application for New Active Ingredient	6/5/2017
9962-47-Region 6	Approval and Promulgation of Implementation Plans; Texas; Revisions to the General Definitions for Texas Air Quality Rules	6/5/2017
9961-13-OCSP	Approval and Promulgation of Implementation Plans; Texas; Revisions to the General Definitions for Texas Air Quality Rules	6/5/2017
9962-22-Region 6	Approval and Promulgation of Implementation Plans; Texas; Revisions to the General Definitions for Texas Air Quality Rules	6/5/2017
9962-23-Region 6	Approval and Promulgation of Implementation Plans; Texas; Revisions to Emissions Banking and Trading Programs for Area and Mobile Sources	6/5/2017
9962-32-Region 6	Pesticide Product Registration; Receipt of Applications for New Uses	6/5/2017
9961-15-OCSP	Triclopyr; Pesticide Tolerances for Emergency Exemptions	6/5/2017
9961-29-OCSP	Certain New Chemicals; Receipt and Status Information for March 2017	6/5/2017
9961-71-OCSP	Receipt of Two Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities	6/5/2017
9961-90-OCSP	Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities	6/5/2017
9961-14-OCSP	Pesticide Experimental Use Permit; Receipt of Application; Comment Request	6/5/2017
9961-53-OCSP	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Vermont	6/5/2017
9956-78-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Louisiana	6/5/2017
9957-33-OEI	Attainment Date Extensions for the Logan, Utah-	6/5/2017
9963-61-Region 10		

	Idaho 24-Hour Fine Particulate Matter Nonattainment Area	
9960-07-Region 9	Approval of California Air Plan Revisions, Imperial County Air Pollution Control District	6/2/2017
9959-37-OCSP	Significant New Use Rule on Certain Chemical Substances	6/1/2017
9961-27-Region 9	Notice of Approval of Clean Air Act Prevention of Significant Deterioration Permit for the McElmo Creek Unit Oil Production Facility (PSD Permit No. NU 05-01)	6/1/2017
9961-58-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Utah	6/1/2017
9961-85-OLEM	Thirty-first Update of the Federal Agency Hazardous Waste Compliance Docket	6/1/2017
9962-28-Region 3	Notice of Tentative Approval and Opportunity for Public Comment and Public Hearing for Public Water System Supervision Program Revision for Virginia	6/1/2017
9962-63-OA	Notification of a Public Teleconference of the Chartered Science Advisory Board (SAB)	6/1/2017
9962-65-OAR	Granting Petitions to Add n-Propyl Bromide to the List of Hazardous Air Pollutants	6/1/2017
9962-78-OCSP	FIFRA Scientific Advisory Panel; Notice of Public Meeting	6/1/2017
9962-79-OCSP	FIFRA Scientific Advisory Panel; Notice of Public Meeting	6/1/2017
9962-81-OA	Notification of a Public Meeting of the Science Advisory Board (SAB) Risk and Technology Review (RTR) Methods Panel	6/1/2017
9962-90-Region 10	Adequacy Determination for the Oakridge-Westfir, Oregon PM2.5 State Implementation Plan for Transportation Conformity Purposes	6/1/2017
9962-91-Region 2	Prevention of Significant Deterioration of Air Quality (PSD) Final Determinations in New Jersey, Puerto Rico, and the Virgin Islands	6/1/2017
9963-09-Region 10	Public Water Supply Supervision Program; Program Revision for the State of Washington	6/1/2017
9963-25-Region 9	Air Plan Approval; Nevada, Lake Tahoe; Second 10-Year Carbon Monoxide Limited Maintenance Plan	6/1/2017
9963-32-Region 9	Approval of California Air Plan Revisions, South Coast Air Quality Management District (SCAQMD)	6/1/2017
9963-42-Region 8	Attainment Date Extensions for the Logan, Utah-Idaho 24-Hour Fine Particulate Matter Nonattainment Area	6/1/2017
9963-54-OAR	Approval of Tennessee's Request to Relax the Federal Reid Vapor Pressure Gasoline Volatility Standard for Davidson, Rutherford, Sumner,	6/1/2017

9961-75-Region 6	Williamson, and Wilson Counties; and Minor Technical Corrections for Federal Reid Vapor Pressure Gasoline Volatility Standards in Other Areas Adequacy Status of the Houston-Galveston-Brazoria, Texas Reasonable Further Progress 8-Hour Ozone Motor Vehicle Emission Budgets for Transportation Conformity Purposes	5/31/2017
9962-67-OCSP	Notification of Submission to the Secretaries of Agriculture and Health and Human Services; Pesticides; Technical Amendment to Data Requirements for Antimicrobial Pesticides Promulgation of State Implementation Plan	5/31/2017
9963-29-Region 8	Revisions; Infrastructure Requirements for the 2010 SO2 and 2012 PM2.5 National Ambient Air Quality Standards; Colorado	5/31/2017
9963-27-Region 8	Promulgation of State Implementation Plan Revisions; Infrastructure Requirements for the 2010 SO2 and 2012 PM2.5 National Ambient Air Quality Standards; South Dakota	5/31/2017
9963-20-Region 8	Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming; Negative Declarations	5/31/2017
9963-21-Region 8	Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming; Negative Declarations	5/31/2017
9961-92-OCSP	Chemical Data Reporting; Requirements for Byproduct Chemical Substances; ; Notice of Establishment of Negotiated Rulemaking Committee; Notice of Public Meeting	5/31/2017
9962-83-Region 1	Air Plan Approval; CT; Approval of Single Source Orders	5/31/2017
9961-40-Region 2	Proposed CERCLA Section 122(h) Cost Recovery Settlement for the Puerto Rico Electric Power Authority Palo Seco Superfund Site, Toa Baja, Puerto Rico	5/30/2017
9961-06-OCSP	Receipt of Information Under the Toxic Substances Control Act	5/30/2017
9963-40-OAR	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Grant of Reconsideration and Partial Stay	5/30/2017
9963-34-OCSP	Pesticides; Certification of Pesticide Applicators Rule; Delay of Effective Date	5/30/2017
9961-72-Region 1	Adequacy Status of Motor Vehicle Emissions Budgets for Transportation Conformity Purposes;	5/25/2017

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9962-17-Region 8	Determination to Approve Alternative Final Cover Request for Phase 2 of the City of Wolf Point, Montana, Landfill	5/25/2017
9962-18-Region 8	Approval of Alternative Final Cover Request for Phase 2 of the City of Wolf Point, Montana, Landfill	5/25/2017
9962-44-Region 6	Hazardous Waste Management System; Identification and Listing of Hazardous Waste	5/25/2017
9962-99-Region 10	Air Plan Approvals, Idaho: Logan Utah/Idaho PM2.5 Nonattainment Area	5/25/2017
9962-51-OW	Postponement of Certain Compliance Dates for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	5/25/2017
9963-33-ORD	Request for Nominations of Experts to the EPA Office of Research and Development's Board of Scientific Counselors; Correction	5/25/2017
9961-07-OCSP	Agency Information Collection Activities; Proposed Renewal of an Existing Collection (EPA ICR No. 1363.25); Comment Request	5/24/2017
9957-86-Region 3	Air Plan Approval; Virginia; Update to Materials Incorporated by Reference	5/23/2017
9959-23-Region 3	Air Plan Approval; Pennsylvania; Update to Materials Incorporated by Reference	5/23/2017
9959-24-Region 3	Air Plan Approval; Maryland; Update to Materials Incorporated by Reference	5/23/2017
9961-03-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Regional Haze Best Available Retrofit Technology Measure for Verso Luke Paper Mill	5/23/2017
9961-26-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Delaware; Update to Materials Incorporated by Reference	5/23/2017
9958-84-Region 6	Approval and Promulgation of Implementation Plans; Louisiana; Revisions to the New Source Review State Implementation Plan; Air Permit Procedure Revisions	5/23/2017
9962-24-Region 4	Air Plan Approval and Air Quality Designation; TN; Redesignation of the Knoxville 2006 24-hour PM2.5 Nonattainment Area to Attainment	5/23/2017
9962-27-Region 4	Air Plan Approval and Air Quality Designation; GA; Redesignation of the Atlanta, Georgia 2008 8-Hour Ozone Nonattainment Area to Attainment	5/23/2017
9962-29-Region 4	Air Plan Approval; South Carolina: Air Emissions Reporting	5/23/2017
9962-30-Region 4	Air Plan Approval South Carolina: Air Emissions	5/23/2017

	Reporting	
9962-40-Region 1	Approval and Promulgation of State Plans (Negative Declarations) for Designated Facilities and Pollutants: Connecticut, New Hampshire, Rhode Island, and Vermont; Revisions to State Plan for Designated Facilities and Pollutants: New Hampshire	5/23/2017
9962-41-Region 1	Approval and Promulgation of State Plans (Negative Declarations) for Designated Facilities and Pollutants: Connecticut, New Hampshire, Rhode Island, and Vermont; Revisions to State Plan for Designated Facilities and Pollutants: New Hampshire	5/23/2017
9962-45-Region 3	Air Plan Approval; Delaware; Infrastructure Requirements for the 2012 Fine Particulate Matter Standard	5/23/2017
9962-46-Region 5	Notification of a Public Meeting of the Great Lakes Advisory Board	5/23/2017
9962-50-Region 10	Approval and Promulgation of Implementation Plans; Oregon: Permitting and General Rule Revisions	5/23/2017
9962-82-Region 9	Determination of Attainment and Approval of Base Year Emissions Inventories for the Imperial County, California Fine Particulate Matter Nonattainment Area; Correction	5/23/2017
9962-69-Region 5	Air Plan Approval; Indiana; Redesignation of the Muncie Area to Attainment of the 2008 Lead Standard	5/23/2017
9962-70-Region 5	Air Plan Approval; Indiana; Redesignation of the Muncie Area to Attainment of the 2008 Lead Standard	5/23/2017
9962-71-Region 5	Air Plan Approval; Michigan; Redesignation of the Belding Area in Ionia County to Attainment of the 2008 Lead Standard	5/23/2017
9962-72-Region 5	Air Plan Approval; Michigan; Redesignation of the Belding Area in Ionia County to Attainment of the 2008 Lead Standard	5/23/2017
9962-73-Region 5	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Nitrogen Oxide Emissions from Coal-Fired Electric Generating Units	5/23/2017
9962-74-Region 3	Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Regional Haze Five-Year Progress Report State Implementation Plan	5/23/2017
9962-76-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Allegheny County Health Department Rules	5/23/2017

9962-77-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Allegheny County Health Department Rules	5/23/2017
9963-00-Region 5	Air Plan Approval; Ohio; Redesignation of the Cleveland Area to Attainment of the 2008 Lead Standard	5/23/2017
9963-01-Region 5	Air Plan Approval; Ohio; Redesignation of the Cleveland Area to Attainment of the 2008 Lead Standard	5/23/2017
9963-07-Region 9	Determination to Defer Sanctions; Arizona Department of Environmental Quality	5/23/2017
9963-08-Region 9	Air Plan Approval; Arizona; Stationary Sources; New Source Review	5/23/2017
9963-12-Region 10	Air Plan Approval; Washington: General Regulations for Air Pollution Sources, Energy Facility Site Evaluation Council	5/23/2017
9963-13-Region 10	Air Plan Approval; Alaska: Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards	5/23/2017
9963-14-Region 8	Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana	5/23/2017
9963-15-Region 8	Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana	5/23/2017
9962-26-Region 4	Air Plan Approval and Air Quality Designation; TN; Redesignation of the Knoxville 1997 Annual PM2.5 Nonattainment Area to Attainment	5/23/2017
9962-62-OW	Peer Review for EPA's Proposed Modeling Approaches for a Health-Based Benchmark for Lead in Drinking Water - Final List of Peer Reviewers and Notice of the Public Peer Review Meeting	5/23/2017
9963-19-OAR	Stay of Standards of Performance for Municipal Solid Waste Landfills and Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills	5/22/2017
9956-99-OCSP	Registration Review; Draft Human Health and/or Ecological Risk Assessments; Notice of Availability	5/22/2017
9958-19-OCSP	Registration Review; Neonicotinoid Risk Assessments, Work Plans, and Updated Schedules; Notice of Availability	5/22/2017
9957-98-OCSP	Registration Review; Draft Human Health and/or Ecological Risk Assessment(s), and Final Tetrachlorvinphos Occupational and Residential Exposure Risk Assessment, and the Agency's Decision to Rely on Data from Human Health	5/22/2017

	Research; Notice of Availability	
9960-76-OCSP	Isoprazam; Pesticide Tolerances	5/22/2017
9961-54-OCSP	Flazasulfuron; Pesticide Tolerances	5/22/2017
9961-99-OCSP	Fenazaquin; Pesticide Tolerances	5/22/2017
9961-70-OCSP	Pyridate; Receipt of Application for Emergency Exemption, Solicitation of Public Comment	5/22/2017
9961-76-OCSP	Environmental Modeling Public Meeting; Notice of Public Meeting	5/22/2017
9963-10-ORD	Request for Nominations of Experts to the EPA Office of Research and Development's Board of Scientific Counselors	5/19/2017
9952-21-OCSP	Registration Review Proposed Decisions for Azoxystrobin, Boric Acid/Sodium Salts, Clethodim, Diquat Dibromide, Ethephon, Fenitrothion, Hexazinone, Hymexazol, Methoxyfenozide, Pronamide, and Trimeclure; Notice of Availability	5/19/2017
9956-51-OCSP	Registration Review Proposed Decisions for Aldicarb, Azoxystrobin, Bifenazate, Chlorpyrifos-methyl, Coumaphos, Cyclanilide, Dicrotophos, Ethalfluralin, and Pirimiphos-methyl; Notice of Availability	5/19/2017
9955-99-OCSP	Registration Review Interim Decisions and Case Closures; Notice of Availability	5/19/2017
9952-83-OCSP	Registration Review Interim Decision; Notice of Availability	5/19/2017
9962-20-Region 6	Approval and Promulgation of Implementation Plans; Texas; El Paso Carbon Monoxide Limited Maintenance Plan	5/18/2017
9962-21-Region 6	Approval and Promulgation of Implementation Plans; Louisiana; Volatile Organic Compounds Rule Revision and Stage II Vapor Recovery	5/18/2017
9962-94-OCSP	Pesticides; Certification of Pesticide Applicators Rule; Delay of Effective Date	5/18/2017
9962-85-OCSP	Compliance Date Extension; Formaldehyde Emission Standards for Composite Wood Products	5/18/2017
9962-86-OCSP	Compliance Date Extension; Formaldehyde Emission Standards for Composite Wood Products	5/18/2017
9961-62-OA	Notification of a Public Teleconference of the Chartered Clean Air Scientific Advisory Committee (CASAC) and the CASAC Sulfur Oxides Panel	5/17/2017
9962-89-OAR	Air Quality Designations for the 2012 Primary Annual Fine Particle (PM _{2.5}) National Ambient Air Quality Standard (NAAQS) for Areas in Tennessee	5/16/2017
9961-28-Region 6	Approval and Promulgation of Implementation Plans; Louisiana; Regional Haze State Implementation Plan	5/15/2017

9962-68-OW	State of North Dakota Underground Injection Control Program; Class VI Primacy	5/12/2017
9962-64-OCSP	Draft Guidance for Reporting of Chemical Substances When Manufactured or Processed as Nanoscale Materials; Notice of Availability and Request for Comment	5/12/2017
9962-58-OCSP	Chemical Substances When Manufactured or Processed as Nanoscale Materials; TSCA Reporting and Recordkeeping Requirements; Delay of Effective Date	5/9/2017
9960-75-Region 7	Notice of Approval of Underground Injection Control Program; Occidental Chemical Corporation, Wichita, Kansas	5/8/2017
9959-91-OCSP	Flonicamid; Pesticide Tolerances	5/8/2017
9960-50-OCSP	Fluazinam; Pesticide Tolerances	5/8/2017
9962-07-Region 5	Air Plan Approval; Ohio; Volatile Organic Compound Control Rules	5/5/2017
9962-01-Region 1	Air Plan Approval; NH; Nonattainment New Source Review and Prevention of Significant Deterioration Permit Program Revisions; Public Hearing Revisions for State Permitting Programs; Withdrawal of Permit Fee Program; Infrastructure Provisions for National Ambient Air Quality Standards	5/5/2017
9962-02-Region 1	Air Plan Approval; NH; Nonattainment New Source Review and Prevention of Significant Deterioration Permit Program Revisions; Public Hearing Revisions for State Permitting Programs; Withdrawal of Permit Fee Program; Infrastructure Provisions for National Ambient Air Quality Standards	5/5/2017
9961-96-Region 6	Proposed NPDES General Permit for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico (GMG290000)	5/5/2017
9961-94-OCSP	Receipt of Information Under the Toxic Substances Control Act	5/5/2017
9961-93-Region 10	Approval and Promulgation of Implementation Plans; Alaska: Infrastructure Requirements for the 2010 Nitrogen Dioxide and 2010 Sulfur Dioxide Standards	5/5/2017
9961-88-Region 4	Air Plan Approval; TN: Non-interference Demonstration for Federal Low-Reid Vapor Pressure Requirement in Shelby County	5/5/2017
9961-87-Region 3	Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Infrastructure Requirements for the 2012 Fine Particulate Standard	5/5/2017

9961-78-Region 9	Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the States of Arizona and Nevada	5/5/2017
9961-79-Region 9	Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the States of Arizona and Nevada	5/5/2017
9961-73-Region 4	Air Plan Approval; North Carolina Repeal of Transportation Facilities Rules	5/5/2017
9961-74-Region 4	Air Plan Approval; North Carolina Repeal of Transportation Facilities Rules	5/5/2017
9961-51-Region 10	Public Water Supply Supervision Program; Program Revision for the State of Idaho	5/5/2017
9961-43-Region 4	Air Plan Approval; Georgia: Heavy Duty Diesel Requirements	5/5/2017
9961-44-Region 4	Air Plan Approval; Georgia: Heavy Duty Diesel Requirements	5/5/2017
9961-38-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions and Amendments to Regulations for Continuous Opacity Monitoring, Continuous Emissions Monitoring, and Quality Assurance Requirements for Continuous Opacity Monitors; Correction	5/5/2017
9961-33-OCSP	Access to Confidential Business Information by Artic Slope Mission Services, LLC	5/5/2017
9960-67-Region 6	Approval and Promulgation of Implementation Plans; Oklahoma; Revisions to Minor New Source Review Permitting Program	5/5/2017
9960-60-ORD	Ambient Air Monitoring Reference and Equivalent Methods: Designation of One New Equivalent Method	5/5/2017
9960-42-Region 10	Air Plan Approval; ID, Updates to Incorporations by Reference	5/5/2017
9960-43-Region 10	Air Plan Approval; ID, Updates to Incorporations by Reference	5/5/2017
9960-31-OCSP	Certain New Chemicals; Receipt and Status Information for February 2017	5/5/2017
9960-21-Region 6	Approval and Promulgation of Implementation Plans; Texas; Revisions to Emissions Banking and Trading Programs and Compliance Flexibility	5/5/2017
9960-22-Region 6	Approval and Promulgation of Implementation Plans; Texas; Revisions to Emissions Banking and Trading Programs and Compliance Flexibilit	5/5/2017
9960-15-Region 6	Direct Final Rule: Approval and Promulgation of Implementation Plans; Texas; Clean Air Act Requirements for Vehicle Inspection and Maintenance, Nonattainment New Source Review	5/5/2017

	and Emission Statements	
9960-14-Region 6	Proposal: Approval and Promulgation of Implementation Plans; Texas; Clean Air Act Requirements for Vehicle Inspection and Maintenance, Nonattainment New Source Review and Emission Statements	5/5/2017
9959-94-OCSP	Access to Confidential Business Information by Artic Slope Mission Services, LLC	5/5/2017
9959-88-OCSP	Access to Confidential Business Information by Versar, Inc. and its Identified Subcontractors	5/5/2017
9959-56-OCSP	Access to Confidential Business Information by Eastern Research Group, Inc. and its Identified Subcontractors, Avanti Corporation and BeakerTree Corporation	5/5/2017
9958-76-Region 2	Petition for Objection to State Operating Permit; NY; Seneca Energy II, LLC	5/5/2017
9956-76-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Colorado	5/5/2017
9956-77-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Vermont	5/5/2017
9962-31-OCSP	Pesticides; Certification of Pesticide Applicators Rule Extension of Effective Date	5/4/2017
9960-68-Region 2	Approval and Revision of Air Quality Implementation Plans; State of New York; Regional Haze State and Federal Implementation Plans	5/4/2017
9961-91-Region 4	Air Plan Approval; Kentucky; Infrastructure Requirements for the 2012 PM2.5 National Ambient Air Quality Standard	5/4/2017
9961-89-Region 4	Air Quality Plans; Tennessee; Infrastructure Requirements for the 2012 PM2.5 National Ambient Air Quality Standard	5/4/2017
9962-03-Region 1	2017 Spring Joint Meeting of the Ozone Transport Commission and the Mid-Atlantic Northeast Visibility Union	5/4/2017
9962-08-Region 5	Air Plan Approval; Indiana; Commissioner's Order for Carmeuse Lime, Inc	5/4/2017
9962-09-Region 5	Air Plan Approval; Indiana; Commissioner's Order for Carmeuse Lime, Inc	5/4/2017
9962-10-Region 5	Air Plan Approval; Indiana; Commissioner's Orders for SABIC Innovative Plastics	5/4/2017
9962-11-Region 5	Air Plan Approval; Indiana; Commissioner's Orders for SABIC Innovative Plastics	5/4/2017
9960-84-OCSP	TSCA Reporting and Recordkeeping Requirements; Standards for Small Manufacturers and Processors; Reopening of Comment Period	5/4/2017

9962-25-OAR	Determinations of Attainment by the Attainment Date, Determinations of Failure to Attain by the Attainment Date and Reclassification for Certain Nonattainment Areas for the 2006 24-Hour Fine Particulate Matter National Ambient Air Quality Standards	5/4/2017
9961-86-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of Stage II Gasoline Vapor Recovery Requirements for Gasoline Dispensing Facilities	5/4/2017
9961-86-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of Stage II Gasoline Vapor Recovery Requirements for Gasoline Dispensing Facilities	5/4/2017
9961-30-OCSP	Notice of Public Meeting and Opportunity to Comment	5/2/2017
9959-69-OEI	Air Pollution Regulations for Outer Continental Shelf (OCS) Activities/ICR No.1601.09	5/2/2017
9958-71-OCSP	Registration Review Draft Risk Assessments for Linuron and Several Pyrethroids; Re-Opening of the Comment Period	5/2/2017
9961-16-Region 1	Air Plan Approval; CT; Infrastructure Requirement for the 2010 Sulfur Dioxide National Ambient Air Quality Standard	5/2/2017
9961-25-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; New Regulations for Architectural and Industrial Maintenance Coatings	5/2/2017
9961-24-Region 1	Air Plan Approval; ME; Motor Vehicle Fuel Requirements	5/2/2017
9960-65-OCSP	Chemical Data Reporting; Requirements for Inorganic Byproduct Chemical Substances	5/2/2017
9961-17-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; 2016 Nitrogen Oxides Averaging Plan Consent Agreement with Raven Power	5/2/2017
9961-18-Region 1	Air Plan Approval; ME; Decommissioning of Stage II Vapor Recovery Systems	5/2/2017
9961-21-Region 2	Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for Specific Sources in the State of New Jersey	5/2/2017
9959-68-Region 1	Air Plan Approval; NH; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standards	5/1/2017

9961-66-OCSP	Trichloroethylene; Regulation of Vapor Degreasing Under TSCA Section 6(a); Methylene Chloride and N-Methylpyrrolidone; Regulation of Certain Uses Under TSCA Section 6(a); Reopening of Comment Periods	4/26/2017
9961-57-Region 1	Air Plan Approval; Rhode Island; Repeal of NOx Budget Trading Program	4/25/2017
9961-56-Region 1	Air Plan Approval; Rhode Island; Repeal of NOx Budget Trading Program	4/25/2017
9961-55-Region 9	Approval of California Air Plan Revisions, Eastern Kern Air Pollution Control District and Imperial County Air Pollution Control District	4/25/2017
9961-49-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Requirements for Continuous Emission Monitoring	4/25/2017
9961-48-Region 4	Air Plan Approval; TN: Non-interference Demonstration for Federal Low-Reid Vapor Pressure Requirement in Middle Tennessee	4/25/2017
9961-42-Region 1	Air Plan Approval; ME; Emission Statement Reporting	4/25/2017
9961-41-Region 1	Air Plan Approval; ME; Emission Statement Reporting	4/25/2017
9961-39-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Removal of Clean Air Interstate Rule (CAIR) Program Regulations and Reference to CAIR, and Amendments to Continuous Emission Monitor (CEM) Reference	4/25/2017
9961-37-Region 3	Approval and Promulgation of Air Quality Plans; State of Maryland; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incineration Units	4/25/2017
9961-36-Region 9	Approval of Arizona Air Plan Revisions, Arizona Department of Environmental Quality and Pinal County Air Quality Control District	4/25/2017
9961-32-Region 4	Air Plan Approval and Designation of Areas; KY; Redesignation of the Kentucky Portion of the Cincinnati-Hamilton 2008 8-Hour Ozone Nonattainment Area to Attainment	4/25/2017
9961-31-Region 3	Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Revision of Regulations for Sulfur Content of Fuel Oil	4/25/2017
9961-23-Region 3	Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; State of Delaware, District of Columbia, and Commonwealth of Pennsylvania, City of Philadelphia; Control of Emissions from Existing	4/25/2017

	Commercial and Industrial Solid Waste Incinerator Units	
9961-22-Region 3	Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; State of Delaware, District of Columbia, and Commonwealth of Pennsylvania, City of Philadelphia; Control of Emissions from Existing Commercial and Industrial Solid Waste Incinerator Units	4/25/2017
9958-37-Region 1	Air Plan Approval; CT; Approval of Single Source Orders	4/25/2017
9958-36-Region 1	Air Plan Approval; CT; Approval of Single Source Orders	4/25/2017
9961-98-Region 9	Approval and Promulgation of Air Quality Implementation Plans; Arizona; Regional Haze State and Federal Implementation Plans	4/24/2017
9955-97-OCSP	Tioxazafen; Pesticide Tolerances	4/24/2017
9961-02-OCSP	Benzobicyclon; Pesticide Tolerances	4/20/2017
9960-03-Region 3	Determination of Attainment by the Attainment Date for the 2008 Ozone Standard; District of Columbia, Maryland, and Virginia; Washington, DC-MD-VA Area	4/20/2017
9959-83-OEI	Prevention of Significant Deterioration and Nonattainment New Source Review (ICR 1230.32)	4/19/2017
9958-35-Region 8	Promulgation of State Implementation Plan Revisions; Infrastructure Requirements for the 2008 Lead, 2008 Ozone, 2010 NO2, 2010 SO2, and 2012 PM2.5 National Ambient Air Quality Standards; Wyoming	4/19/2017
9959-33-OCSP	Certain New Chemicals or Significant New Uses; Statements of Findings for December 2016	4/19/2017
9960-17-Region 6	Draft NPDES General Permit for Discharges from the Oil and Gas Extraction Point Source Category to Coastal Waters in Texas (TXG330000)	4/19/2017
9960-18-Region 6	PROPOSED ISSUANCE OF THE NPDES GENERAL PERMIT FOR DISCHARGES FROM THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY - STRIPPER SUBCATEGORY IN TEXAS (TXG350000)	4/19/2017
9960-36-OCSP	Certain New Chemicals or Significant New Uses; Statements of Findings for Feb 2017	4/19/2017
9960-61-OCSP	Bacillus simplex strain BU288; Exemption from the Requirement of a Tolerance	4/19/2017
9961-64-OAR	MEETING OF THE MOBILE SOURCES TECHNICAL REVIEW SUBCOMMITTEE	4/19/2017

9961-81-Region 6	Promulgation of Air Quality Implementation Plans; State of Arkansas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan; Partial Stay	4/19/2017
9952-93-Region 1	Air Plan Approval; Connecticut; General Permit to Limit Potential to Emit from Major Stationary Sources of Air Pollution	4/18/2017
9952-92-Region 1	Air Plan Approval; Connecticut; General Permit to Limit Potential to Emit from Major Stationary Sources of Air Pollution	4/18/2017
9961-67-OW	Stay of Certain Compliance Deadlines for the Final Rule Entitled "Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category" Published by the Environmental Protection Agency on November 3, 2015	4/13/2017
9957-23-OCSP	Bacillus Thuringiensis (mCry51Aa2) Protein in or on Cotton; Temporary Exemption from the Requirement of a Tolerance	4/13/2017
9959-54-OCSP	Deltamethrin; Pesticide Tolerances	4/13/2017
9960-02-Region 3	Determination of Attainment by the Attainment Date for the 2008 Ozone Standard; Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE Nonattainment Area	4/13/2017
9959-25-OCSP	Pyrooxasulfone; Pesticide Tolerances	4/13/2017
9960-66-OCSP	Pesticide Program Dialogue Committee; Notice of Public Meeting	4/13/2017
9961-50-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Virginia; Major New Source Review	4/13/2017
9961-46-OARM	National Advisory Council for Environmental Policy and Technology	4/13/2017
9961-47-OARM	Good Neighbor Environmental Board	4/13/2017
9953-96-OSCPP	Pyriofenone; Pesticide Tolerances	4/13/2017
9961-35-OP	Spring 2017 Regulatory Agenda	4/11/2017
9960-20-Region 8	Approval and Promulgation of Air Quality Implementation Plans; Montana; Regional Haze Federal Implementation Plan	4/11/2017
9961-20-OAR	Release of the Policy Assessment for the Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	4/11/2017
9961-60-OP	Evaluation of Existing Regulations	4/10/2017
9961-04-OCSP	Chlorinated Phosphate Ester (CPE) Cluster; TSCA Section 21 Petition; Reasons for Agency Response	4/7/2017
9961-45-OAR	Relaxation of the Federal Reid Vapor Pressure Gasoline Volatility Standard for Davidson,	4/7/2017

	Rutherford, Sumner, Williamson, and Wilson Counties, Tennessee	
9960-01-OCSP	Pesticide Product Registration; Receipt of Applications for New Uses	4/7/2017
9960-16-Region 1	Notice of Availability of Final NPDES General Permits for Discharges from Potable Water Treatment Facilities in Massachusetts and New Hampshire: The Potable Water Treatment Facility General Permit (PWTF GP)	4/5/2017
9960-45-ORD	Board of Scientific Counselors Executive Committee; Notification of Public Teleconference and Public Comment	4/5/2017
9960-52-OW	Notice of Extension to Comment Period on the Proposed Rule: Use of Lead Free Pipes, Fittings, Fixtures, Solder and Flux for Drinking Water	4/5/2017
9960-63-OA	Notification of a Meeting of the Science Advisory Board Economy-Wide Modeling Panel	4/5/2017
9960-74-Region 7	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Omaha Lead Superfund Site	4/5/2017
9960-98-ORD	Human Studies Review Board; Notification of Public Meetings	4/5/2017
9961-00-Region 2	Approval of Air Quality Implementation Plans; New Jersey, 2011 Periodic Emission Inventory SIP for the Ozone Nonattainment and PM2.5/Regional Haze Areas	4/5/2017
9961-01-Region 1	Air Plan Approval; CT; Decommissioning of Stage II Vapor Recovery Systems	4/5/2017
9960-10-OCSP	Dinotefuran; Receipt of Applications for Emergency Exemptions, Solicitation of Public Comment	4/5/2017
9959-90-OCSP	Acetamiprid; Pesticide Tolerances for Emergency Exemption	4/5/2017
9959-67-OCSP	Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations	4/5/2017
9959-66-OCSP	Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations and Amend Registrations to Terminate Certain Uses	4/5/2017
9959-61-OCSP	Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities	4/5/2017
9959-60-OCSP	Pesticide Product Registration; Receipt of Applications for New Uses	4/5/2017
9959-58-OCSP	Pesticide Product Registration; Receipt of Application for New Active Ingredient	4/5/2017
9959-38-OCSP	Cancellation Order for Certain Pesticide Registrations and/or Amendments to Terminate Uses	4/5/2017

9957-14-Region 9	Approval of California Air Plan Revisions, Butte County Air Quality Management District	4/5/2017
9957-15-Region 9	Approval of California Air Plan Revisions, Butte County Air Quality Management District	4/5/2017
9956-79-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Iowa	4/5/2017
9956-81-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Alaska	4/5/2017
9957-03-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, Commonwealth of Virginia	4/5/2017
9956-74-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of South Carolina	4/5/2017
9956-72-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Montana	4/5/2017
9955-85-OCSP	Registration Review; Biopesticide Dockets Opened for Review and Comment	4/5/2017
9949-11-OCSP	Monoethanolamine; Exemption from the Requirement of a Tolerance	4/5/2017
9960-58-Region 4	Air Plan Approval; Georgia Inspection and Maintenance Program Updates	4/4/2017
9960-59-Region 4	Air Plan Approval; Georgia; Inspection and Maintenance Program Updates	4/4/2017
9960-53-Region 4	Air Plan Approval; Kentucky; Nonattainment New Source Review Requirements for the 2008 8-Hour Ozone NAAQS	4/4/2017
9960-54-Region 4	Air Plan Approval; Kentucky; Nonattainment New Source Review Requirements for the 2008 8-Hour Ozone NAAQS	4/4/2017
9960-80-Region 5	Air Plan Approval; Michigan; Transportation Conformity Procedures	4/4/2017
9960-81-Region 5	Air Plan Approval; Michigan; Transportation Conformity Procedures	4/4/2017
9960-83-Region 10	Air Plan Approval; Washington: General Regulations for Air Pollution Sources, Southwest Clean Air Agency Jurisdiction	4/4/2017
9960-93-Region 4	Air Plan Approval; North Carolina; Motor Vehicle Emissions Control Program; Correcting Amendment	4/4/2017
9960-94-Region 4	Air Plan Approval; North Carolina; Motor Vehicle Emissions Control Program; Correcting Amendment Adequacy Determination for the St. Louis Area 2008	4/4/2017
9960-71-Region 7	8-Hour Ozone Redesignation Request and Maintenance State Implementation Plan, Motor Vehicle Emissions Budgets for Transportation Conformity Purposes; State of Missouri	4/4/2017

9960-55-Region 4	Air Plan Approval and Air Quality Designation; KY; Redesignation of the Kentucky Portion of the Louisville 1997 Annual PM2.5 Nonattainment Area to Attainment	4/3/2017
9960-26-OW	National Advisory Council for Environmental Policy and Technology: Assumable Waters Subcommittee; Notice of Public Meetings	4/3/2017
9960-56-Region 4	Air Plan Approval; Tennessee: Reasonable Measures Required	4/3/2017
9960-57-Region 4	Air Plan Approval Tennessee: Reasonable Measures Required	4/3/2017
9960-70-Region 8	Montana Administrative Rule Revisions: 17.8.334	4/3/2017
9960-69-Region 1	Air Plan Approval; CT; Reasonably Available Control Technology for the 2008 8-Hour Ozone National Ambient Air Quality Standards	4/3/2017
9960-78-Region 5	Air Plan Approval; Indiana; Emissions Statements Rule	4/3/2017
9960-79-Region 5	Air Plan Approval; Indiana; Redesignation of the Indiana portion of the Cincinnati, Ohio-Kentucky-Indiana Area to Attainment of the 2008 Ozone Standard	4/3/2017
9960-91-Region 5	Reclassification of the Sheboygan, Wisconsin Area to Moderate Nonattainment for the 2008 Ozone National Ambient Air Quality Standards; Correction	4/3/2017
9960-86-Region 1	Approval and Promulgation of Air Quality Implementation Plans; Maine, New Hampshire, Rhode Island and Vermont; Interstate Transport of Fine Particle and Ozone Air Pollution	4/3/2017
9960-87-Region 5	Air Plan Approval; Minnesota; Sulfur Dioxide Limits for Saint Paul Park Refining Co. LLC Facility	4/3/2017
9960-88-Region 5	Air Plan Approval; Minnesota; Sulfur Dioxide Limits for Saint Paul Park Refining Co. LLC Facility	4/3/2017
9960-97-Region 4	Air Quality Plan; Florida; Infrastructure Requirements for the 2012 PM2.5 NAAQS	4/3/2017
9960-95-Region 4	Air Plan Approval; NC; Infrastructure Requirements for the 2012 PM2.5 National Ambient Air Quality Standard	4/3/2017
9960-82-Region 5	Air Plan Approval; Ohio; Redesignation of the Ohio Portion of the Cincinnati-Hamilton, OH-IN-KY Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter	4/3/2017
9960-89-Region 5	Air Plan Approval; Indiana; Base Year Emissions Inventory and Emissions Statement Rule Certification for Lake and Porter Counties for the 2008 Ozone Standard	4/3/2017

9960-90-Region 5	Air Plan Approval; Indiana; Base Year Emissions Inventory and Emissions Statement Rule Certification for Lake and Porter Counties for the 2008 Ozone Standard	4/3/2017
9960-96-Region 5	Air Plan Approval; Ohio; Removal of Gasoline Volatility Requirements in the Cincinnati and Dayton Areas; Update on the Boutique Fuel List for Illinois and Ohio	4/3/2017
9960-92-Region 4	Air Plan Approval; SC; Infrastructure Requirements for the 2012 PM2.5 National Ambient Air Quality Standard	4/3/2017
9958-30-OAR	Mercury and Air Toxics Standards (MATS) Electronic Reporting Requirements	4/3/2017
9960-77-OCSP	Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances	3/31/2017
9960-13-OAR	Notice of Requests for Approval of an Alternative Means of Emission Limitation at Chevron Phillips Chemical Company LP	3/30/2017
9960-44-OLEM	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Further Delay of Effective Date Proposed Rule	3/29/2017
9961-09-OAR	Notice of Review of the 2016 Oil and Gas New Source Performance Standards for New, Reconstructed, and Modified Sources	3/29/2017
9961-10-OAR	Notice of Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	3/29/2017
9961-11-OAR	Notice of Review of the Clean Power Plan Withdrawal of Proposed Rules: Federal Plan	3/29/2017
9961-12-OAR	Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations; and Clean Energy Incentive Program Design Details	3/29/2017
9959-98-OECA	National Environmental Justice Advisory Council; Notification of Public Meeting, Public Teleconference and Public Comment	3/29/2017
9960-49-Region 5	Air Plan Approval; Michigan; Part 9 Miscellaneous Rules; Correction	3/28/2017
9957-76-OEI	NSPS for the Graphic Arts Industry (Renewal)/ICR No.0657.12	3/27/2017
9960-27-OEI	Compliance Assurance Monitoring Program/ICR No.1663.09	3/27/2017
9960-23-OEI	NSPS for VOC Emissions from Petroleum Refinery	3/27/2017

9960-11-OEI	Wastewater Systems (Renewal)/ICR No.1136.12 NESHAP for Group IV Polymers and Resins (Renewal)/ICR No.2457.03	3/27/2017
9960-33-OEI	NESHAP for Gold Mine Ore Processing (Renewal)/ICR No.2383.04	3/27/2017
9960-48-OEI	NESHAP for Benzene Emissions from Benzene Storage Vessels and Coke Oven By-Product Recovery Plants (Renewal)/ICR No.1080.15	3/27/2017
9960-46-OEI	NSPS for Sewage Sludge Incineration Units (Renewal)/ICR No.2369.04	3/27/2017
9960-64-OEI	NSPS for Stationary Spark Ignition Internal Combustion Engines (Renewal)/EPA ICR No. 2227.05	3/27/2017
9959-72-ORD	First External Review Draft Integrated Science Assessment for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter – Ecological Criteria Partial Approval and Partial Disapproval of	3/27/2017
9960-99-Region 10	Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM2.5 Nonattainment Area; Proposed Further Delay of Effective Date	3/27/2017
9960-25-OA	Notification of a Public Meeting of the Clean Air Scientific Advisory Committee (CASAC) Secondary National Ambient Air Quality Standards Review Panel for Oxides of Nitrogen and Sulfur	3/27/2017
9960-30-OCSP	Mercury; Initial Inventory Report of Supply, Use, and Trade	3/24/2017
9958-90-Region 3	EPA-Mid-Atlantic Region III - Maryland Marine Sanitation Device Standard – Receipt of Petition	3/23/2017
9958-73-Region 1	Air Plan Approval; VT; Infrastructure State Implementation Plan Requirements	3/23/2017
9957-84-Region 7	State of Iowa; Approval and Promulgation of the Title V Operating Permits Program, the State Implementation Plan, and 112(l) Plan	3/22/2017
9958-72-Region 7	Approval of Missouri's Air Quality Implementation Plans; Open Burning Requirements	3/22/2017
9959-89-Region 8	PROPOSED ADMINISTRATIVE SETTLEMENT AGREEMENT AND ORDER ON CONSENT, QUARTZ HILL TAILINGS PILE WITHIN THE CENTRAL CITY/CLEAR CREEK SUPERFUND SITE, CENTRAL CITY, GILPIN COUNTY, COLORADO	3/21/2017
9959-76-Region 4	KENTUCKY WOOD PRESERVING SITE WINCHESTER, CLARK COUNTY, KENTUCKY	3/21/2017
9959-65-Region 2	Proposed CERCLA Section 122(h) Cost Recovery Settlement for the Metro Leather Superfund Site, City of Gloversville, Fulton County, New York	3/21/2017

9958-94-Region 4	Ward Tranformer Superfund Site Raleigh, Wake County, North Carolina Notice Of Proposed Settlement	3/21/2017
9959-84-OW	Nominations of Candidates to the Environmental Financial Advisory Board; Reopening of Request for Nominations	3/20/2017
9958-79-Region 9	Approval and Revision of Air Plans; Arizona; Regional Haze State and Federal Implementation Plans; Reconsideration	3/17/2017
9957-99-OCSP	Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities	3/17/2017
9958-85-OCSP	Pesticide Program Dialogue Committee; Request for Nominations to the Pesticide Program Dialogue Committee	3/17/2017
9958-13-OCSP	Product Cancellation Order for Certain Pesticide Registrations and Amendments to Terminate Uses	3/17/2017
9958-51-OCSP	Product Cancellation Order for Certain Pesticide Registrations	3/17/2017
9958-52-OCSP	Product Cancellation Order for Certain Pesticide Registrations	3/17/2017
9959-79-OA	Notification of a Public Teleconference of the Chartered Science Advisory Board (SAB)	3/17/2017
9958-97-OCSP	Octadecanoic acid, 12-hydroxy-, homopolymer, ester with α , α' , α'' -1,2,3-propanetriyltris[ω -hydroxypoly(oxy-1,2-ethanediyl)]; Tolerance Exemption	3/17/2017
9956-02-OCSP	Isoamyl acetate; Exemption from the Requirement of a Tolerance	3/17/2017
9959-73-OAR	Proposed Information Collection Request; Comment Request; National Volatile Organic Compound Emission Standards for Consumer Products (40 CFR Part 59, Subpart C) (Renewal), OMB Control No. 2060-0348, EPA ICR No. 1764.07	3/17/2017
9958-10-OCSP	Fatty Acids, Montan-wax, Ethoxylated; Tolerance Exemption	3/17/2017
9959-12-OCSP	Polyglycerol Polyricinoleate; Tolerance Exemption	3/17/2017
9958-53-OCSP	Cyantraniliprole; Pesticide Tolerances	3/17/2017
9959-97-OARM	National and Governmental Advisory Committees to the U.S. Representative to the Commission for Environmental Cooperation	3/17/2017
9960-06-OA	Notification of Two Public Teleconferences of the Science Advisory Board Chemical Assessment Advisory Committee Augmented for the Review of EPA's Draft Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) Assessment	3/17/2017

9960-04-ORD	Board of Scientific Counselors Homeland Security Subcommittee; Notification of Public Teleconference and Public Comment	3/17/2017
9959-92-OCSP	Aspergillus flavus AF36; Amendment to an Exemption from the Requirement of a Tolerance	3/17/2017
9959-45-OCSP	Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations	3/17/2017
9959-11-OCSP	Cloquintocet-mexyl; Pesticide Tolerances	3/17/2017
9960-35-Region 10	Delay of Effective Date for Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM2.5 Nonattainment Area Published by the Environmental Protection Agency on January 4, 2017	3/16/2017
9960-32-Region 9	Limited Federal Implementation Plan; Prevention of Significant Deterioration Requirements for Fine Particulate Matter (PM2.5); California; North Coast Unified Air Quality Management District	3/16/2017
9958-29-OAR	Technical Correction to the National Ambient Air Quality Standards for Particulate Matter	3/15/2017
9960-28-OP	Further Delay of Effective Dates for Five Final Regulations Published by the Environmental Protection Agency Between December 12, 2016 and January 17, 2017	3/15/2017
9960-12-OW	Request for Public Comments on Peer Review Candidates for Proposed Modeling Approaches for a Health-Based Benchmark for Lead in Drinking Water	3/15/2017
9959-13-Region 4	ALABAMA: Final Authorization of State Hazardous Waste Management Program Revisions	3/15/2017
9959-14-Region 4	ALABAMA: Final Authorization of State Hazardous Waste Management Program	3/15/2017
9959-02-Region 10	Air Plan Approval; Washington: General Regulations for Air Pollution Sources, Energy Facility Site Evaluation Council	3/15/2017
9959-06-Region 10	Approval and Promulgation of Implementation Plans; Oregon: Permitting and General Rule Revisions	3/15/2017
9957-88-Region 4	Air Plan Approval; Georgia; Atlanta; Requirements for the 2008 8-Hour Ozone Standard	3/15/2017
9957-89-Region 4	Air Plan Approval; Georgia; Atlanta; Requirements for the 2008 8-Hour Ozone Standard	3/15/2017
9957-55-Region 6	Proposal: Approval and Promulgation of Implementation Plans; Texas; El Paso Carbon Monoxide Limited Maintenance Plan	3/14/2017
9957-56-Region 6	Direct final rule: Approval and Promulgation of Implementation Plans; Texas; El Paso Carbon Monoxide Limited Maintenance Plan	3/14/2017

9957-41-Region 6	Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Inspection and Maintenance Program Error Correction	3/14/2017
9957-42-Region 6	Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Inspection and Maintenance Program Error Correction	3/14/2017
9959-57-OLEM	Further Delay of Effective Date for the Final Rule Entitled "Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act" Published by the Environment Protection Agency on January 13, 2017	3/13/2017
9958-96-Region 4	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Perdido Ground Water Contamination Superfund Site	3/13/2017
9959-04-Region 4	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Perdido Ground Water Contamination Superfund Site	3/13/2017
9959-46-OCSP	Certain New Chemicals; Receipt and Status Information for January 2017	3/13/2017
9960-09-OCSP	Tetrabromobisphenol A (TBBPA); TSCA Section 21 Petition; Reasons for Agency Response	3/13/2017
9955-98-Region 3	Air Plan Approval; District of Columbia; Update to Materials Incorporated by Reference	3/10/2017
9958-99-Region 9	Approval and Promulgation of Implementation Plans; California; California Mobile Source Regulations	3/9/2017
9959-00-Region 9	Approval and Promulgation of Implementation Plans; California; California Mobile Source Regulations	3/9/2017
9958-93-Region 9	Approval of California Air Plan Revisions, San Joaquin Valley Unified Air Pollution Control District	3/9/2017
9958-59-Region 6	Approval and Promulgation of Implementation Plans; Louisiana; Volatile Organic Compounds Rule Revision and Stage II Vapor Recovery	3/8/2017
9958-60-Region 6	Approval and Promulgation of Implementation Plans; Louisiana; Volatile Organic Compounds Rule Revision and Stage II Vapor Recovery	3/8/2017
9931-93-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of North Carolina	3/7/2017
9956-73-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Montana	3/7/2017
9957-65-OCSP	Streptomycin; Pesticide Tolerances for Emergency Exemptions	3/7/2017
9958-05-Region 5	ILLINOIS: Final Authorization of State Hazardous	3/7/2017

	Waste Management Program Revision	
9958-09-Region 9	Air Plan Approval; Nevada, Lake Tahoe; Second 10-Year Carbon Monoxide Limited Maintenance Plan	3/7/2017
9958-11-Region 9	Air Plan Approval; Nevada, Lake Tahoe; Second 10-Year Carbon Monoxide Limited Maintenance Plan	3/7/2017
9958-18-Region 9	Determination of Attainment and Approval of Base Year Emissions Inventories for the Imperial County, California Fine Particulate Matter Nonattainment Area	3/7/2017
9958-21-Region 9	Determination of Attainment and Approval of Base Year Emissions Inventories for the Imperial County, California Fine Particulate Matter Nonattainment Area	3/7/2017
9958-32-OCSP	Certain New Chemicals; Receipt and Status Information for December 2016	3/7/2017
9958-43-Region 9	Approval of California Air Plan Revisions, Yolo-Solano Air Quality Management District	3/7/2017
9958-65-Region 6	Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County; New Source Review (NSR) Preconstruction Permitting Program	3/7/2017
9958-69-OAR	Notification of Completeness of the Department of Energy's Compliance Recertification Application for the Waste Isolation Pilot Plant	3/7/2017
9958-75-OCSP	Flupyradifurone; Pesticide Tolerances for Emergency Exemptions	3/7/2017
9958-80-Region 9	Approval of California Air Plan; Owens Valley Serious Area Plan for the 1987 24-Hour PM10 Standard	3/7/2017
9958-91-Region 3	Delegation of Authority to the State of West Virginia to Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards	3/7/2017
9959-05-Region 9	Approval of Nevada Air Plan Revisions, Clark County Department of Air Quality and Washoe County Health District	3/7/2017
9959-10-Region 4	Air Plan Approval and Designation of Areas; KY; Redesignation of the Campbell County, 2010 1-Hour SO2 Nonattainment Area to Attainment	3/7/2017
9959-19-OCSP	Oxytetracycline; Pesticide Tolerances for Emergency Exemptions	3/7/2017
9956-84-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, Mecklenburg County	3/6/2017
9956-52-Region 9	Approval of California Air Plan Revisions, Ventura County Air Pollution Control District; Prevention of Significant Deterioration	3/6/2017

9958-14-Region 5	Air Plan Approval; Minnesota; Sulfur Dioxide; Particulate Matter	3/6/2017
9958-15-Region 5	Air Plan Approval; Minnesota; Sulfur Dioxide; Particulate Matter	3/6/2017
9958-81-Region 9	Approval of California Air Plan Revisions, Western Mojave Desert, Rate of Progress Demonstration	3/6/2017
9958-92-Region 9	Approval of Arizona Air Plan Revisions, Arizona Department of Environmental Quality and Maricopa County Air Quality Department	3/6/2017
9959-44-Region 9	Approval of California Air Plan Revisions, Antelope Valley Air Quality Management District	3/6/2017
9959-77-Region 4	Adequacy Status of the Knoxville, TN 2006 24-hour PM2.5 Maintenance Plan Motor Vehicle Emission Budgets	3/6/2017
	for Transportation Conformity Purposes	
9959-35-OCSP	Receipt of Information Under the Toxic Substances Control Act	3/6/2017
9959-75-Region 4	Adequacy Status of the Knoxville, TN 1997 Annual PM2.5 Maintenance Plan Motor Vehicle Emission Budgets	3/6/2017
	for Transportation Conformity Purposes	
9959-96-OAR	Notice Regarding Withdrawal of Obligation to Submit Information	3/2/2017
9959-93-OW	Notice of Intention to Review and Rescind or Revise the Clean Water Rule	3/1/2017
9959-36-OCSP	Risk Evaluation Scoping Efforts Under TSCA for Ten Chemical Substances; Extension of Comment Period	3/1/2017
9959-41-OCSP	Addition of Natural Gas Processing Facilities to the Toxics Release Inventory (TRI); Extension of Comment Period	3/1/2017
9959-64-OEI	Agency Information Collection Activities; Request to Renew OMB Control No. 2070-0046 (EPA ICR No. 0794.16) Submitted to OMB for Review and Approval; Comment Request	2/28/2017
9959-71-OEI	Agency Information Collection Activities; Safer Choice Logo Redesign Consultations; Submitted to OMB for Review and Approval; Comment Request	2/28/2017
9959-70-OAR	Granting Petitions to Add n-Propyl Bromide to the List of Hazardous Air Pollutants	2/28/2017
9959-86-Region 3	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the North Penn Area 6 Superfund Site	2/28/2017
9959-07-Region 4	Air Plan Approvals; TN; Prong 4–2010 NO2, SO2, and 2012 PM2.5 NAAQS	2/24/2017

9959-85-OLEM	Financial Responsibility Requirements under CERCLA § 108(b) for Classes of Facilities in the Hardrock Mining Industry; Extension of Comment Period	2/24/2017
9959-74-OCSP	Fluoride Chemicals in Drinking Water; TSCA Section 21 Petition; Reasons for Agency Response Proposed Further Delay of Effective Date for Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM2.5 Nonattainment Area Published by the Environmental Protection Agency on January 4, 2017	2/22/2017
9959-63-Region 10	TN: Non-interference Demonstration for Federal Low-Reid Vapor Pressure Requirement in Middle Tennessee	2/17/2017
9959-08-Region 4	VNT1 protein in potato; Exemption from the Requirement of a Tolerance	2/17/2017
9957-97-OCSP	Promulgation of Air Quality Implementation Plans; State of Texas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan	2/17/2017
9959-42-Region 6	State Review Framework (Renewal)/ICR No.2185.06	2/17/2017
9959-50-OEI	Environmental Impact Assessment of Nongovernmental Activities in Antarctica (Renewal)/ICR No.1808.08	2/17/2017
9959-49-OEI	Confidentiality Rules (Renewal)/ICR No.1665.13	2/17/2017
9959-48-OEI	National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works Extension of Comment Period to Review Materials to Inform the Derivation of a Water Concentration Value for Lead in Drinking Water	2/16/2017
9959-53-OAR	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the North Penn Area 6 Superfund Site	2/16/2017
9959-40-OW	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the North Penn Area 6 Superfund Site	2/16/2017
9959-34-Region 3	Pesticide Experimental Use Permit (EUP); Receipt of Application; Comment Request	2/16/2017
9959-52-Region 3	Release of Risk and Exposure Assessment Planning Document for the Review of the Primary National Ambient Air Quality Standard for Sulfur Oxides	2/16/2017
9957-44-OCSP	Notification of a Public Meeting of the Clean Air Scientific Advisory Committee (CASAC) Sulfur Oxides Panel	2/16/2017
9959-22-OAR	Statutory Requirements for Substantiation of Confidential Business Information (CBI) Claims Under the Toxic Substances Control Act (TSCA):	2/15/2017
9959-55-OA		
9959-39-OCSP		

	Delay of Effective Date	
9959-09-Region 10	Washington State Department of Ecology Prohibition of Discharges of Vessel Sewage; Final Affirmative Determination	2/15/2017
9957-00-OCSP	Thiamethoxam; Pesticide Tolerance	2/10/2017
9959-26-OAR	Allocations of Cross-State Air Pollution Rule Allowances from New Unit Set-Asides for the 2016 Compliance Year	2/10/2017
9959-27-Region 5	Air Plan Approval; Ohio; Removal of Gasoline Volatility Requirements in the Cincinnati and Dayton Areas	2/10/2017
9959-28-OAR	Response to December 9, 2013, Clean Air Act Section 176A Petition From Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont	2/10/2017
9959-29-OAR	Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2015	2/10/2017
9959-31-OW	Extension of Public Comment Period: Draft Human Health Recreational Ambient Water Quality Criteria and/or Swimming Advisories for Microcystins and Cylindrospermopsin	2/10/2017
9959-32-OW	Extension of Public Comment Period: Draft Field-Based Methods for Developing Aquatic Life Criteria for Specific Conductivity	2/10/2017
9959-43-OAR	Revisions to Procedure 2 – Quality Assurance Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources	2/10/2017
9959-03-OCSP	Trichloroethylene(TCE); Regulation of Certain Uses under Toxic Substances Control Act; Extension of Comment Periods	2/9/2017
9957-06-OCSP	Certain New Chemicals or Significant New Uses; Statements of Findings for November 2016	2/3/2017
9959-17-OARM	Proposed Information Collection Request; Comment Request; General Administrative Requirements for Assistance Programs	2/3/2017
9959-30-OW	Uniform National Discharge Standards for Vessels of the Armed Forces - Phase II Batch One: Delay of Effective Date	2/3/2017
9957-22-OCSP	Hexythiazox; Pesticide Tolerances	2/2/2017
9957-68-OCSP	Propamocarb; Pesticide Tolerance	2/2/2017
9958-07-OCSP	2,4-D; Pesticide Tolerances	2/2/2017
9957-43-OCSP	Receipt of Information under the Toxic Substances Control Act	2/2/2017
9958-08-OCSP	Receipt of Information under the Toxic Substances Control Act	2/2/2017

9956-86-OCSP	Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities	2/2/2017
9957-35-OCSP	Pesticide Product Registration; Receipt of Applications for New Uses	2/2/2017
9959-20-ORD	Board of Scientific Counselors Homeland Security Subcommittee; Notification of Public Meeting and Public Comment	2/1/2017
9958-40-OW	Aquatic Life Criteria for Cadmium in Oregon	1/30/2017
9957-58-Region 5	Air Plan Approval; Wisconsin; NOx as a Precursor to Ozone, PM2.5 Increment Rules and PSD Infrastructure SIP Requirements	1/27/2017
9958-28-Region 8	Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Revisions to Nonattainment Permitting Regulations	1/27/2017
9958-42-Region 4	Air Plan Disapproval; AL; Prong 4 Visibility for the 2008 8-hour Ozone Standard	1/27/2017
9958-70-OAR	Findings of Failure to Submit State Implementation Plan Submittals for the 2008 Ozone National Ambient Air Quality Standards (NAAQS)	1/27/2017
9958-77-OARM	Good Neighbor Environmental Board Notification of Public Advisory Committee Meeting	1/27/2017
9958-82-Region 9	Approval of Air Quality State Implementation Plans; Nevada; Infrastructure Requirements to Address Interstate Transport for the 2008 Ozone NAAQS	1/27/2017
9959-01-Region 10	Air Plan Approval; AK, Fairbanks North Star Borough; 2006 P-M2.5 Moderate Area Plan	1/27/2017
9959-15-Region 8	Approval and Disapproval and Promulgation of Air Quality Implementation Plans; Interstate Transport for Wyoming	1/27/2017
9959-18-Region 8	Approval and Promulgation of State Implementation Plans; Interstate Transport for Utah	1/27/2017
9958-87-OP	Delay of Effective Date for 30 Final Regulations Published by the Environmental Protection Agency between October 28, 2016 and January 17, 2017	1/23/2017

From: Rees, Sarah

Sent: Tuesday, August 01, 2017 5:57 PM

To: Owens, Nicole <Owens.Nicole@epa.gov>

Cc: Letendre, Daisy <letendre.daisy@epa.gov>

Subject: Federal Register Notice list

Hey Nicole – I just met with Daisy, and it would be helpful to her to have a list of all the FR notices we've sent to OFR this Administration to date. I know you are out tomorrow, but can you pull this on Thursday?

Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

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David Turk
Regulatory Development Branch
Office of Pollution Prevention and Toxics (7410M)
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Via Regulations.gov

Re: Addition of Natural Gas Processing Facilities to the Toxics Release Inventory, EPA -HQ-TRI-2016-0390

“This mandatory disclosure (TRI) has done more than all other legislation put together in getting companies to voluntarily reduce emissions.”

-- Millard Etling, Dow Chemical, The Atlanta Constitution, August 22, 1991

Introduction and Background

Thank you for the opportunity to comment on the Environmental Protection Agency’s (EPA) proposed addition of natural gas processing plants to the Toxic Release Inventory (TRI). Please accept these comments on behalf of Earthworks, a national nonprofit organization committed to protecting communities and the environment from the impacts of mining and energy development while seeking sustainable solutions. For more than 25 years, we have fulfilled our mission by working with communities and grassroots groups to reform government policies, improve corporate practices, influence investment decisions and encourage responsible materials sourcing and consumption.

Earthworks supports the addition of natural gas processing (NGP) facilities, NAICS 211112 (North American Industry Classification System), to the TRI. The proposed rule is a necessary acknowledgement by EPA of a new reality: rapid growth in the number and capacity of NGP facilities and the negative environmental and health risks posed by these facilities. We therefore

respectfully urge EPA to expeditiously finalize this proposed rule. However, for the reasons stated below, we believe that EPA underestimates the number of facilities that should report and we also urge inclusion of compression, gas gathering, and other midstream NAICS 211111 facilities as well, since (as discussed below) these can also release TRI-listed chemicals.¹

Earthworks has previously supported the TRI and EPA's discretionary authority to add or delete industry sectors from TRI's scope.² Indeed, the last time EPA added an industry to the TRI, metal mining and six others, the decision was in part based on an Earthworks (then Mineral Policy Center) petition.³ In the subsequent 20 years, the metal mining industry has perennially topped TRI's list as the nation's largest toxic polluter.

We therefore appreciate that EPA partially granted the Environmental Integrity Project (EIP) petition⁴, joined by Earthworks and sixteen other environmental advocacy organizations in 2015.⁵ EPA's partial grant of that petition reveals the agency's commitment to the purposes TRI serves. EPA's decision also reflects the credibility and seriousness of the petitioners' request, since the last time Earthworks and other environmental organizations requested EPA expand TRI's scope, it was for the nation's top toxic polluter. Now, we strongly believe that inclusion of NGP facilities in the TRI is equally warranted and urgently needed.

"Public disclosure of the Toxic Release Inventory has been a powerful motivator to companies ... to increase our efforts to reduce emissions. The TRI provides a means where the public can track our progress and do so on a consistent, measurable, basis. We are convinced that this activity will ultimately result in cost savings for the company and a competitive advantage."

-- J. Ronald Condray, Monsanto World Wildlife Fund Fact Sheet, April, 1992

Factors in TRI Determinations

The last time EPA added industry sectors (metal mining and six others) to the TRI, in 1997, the agency considered three factors. The Chemical Factor simply asks whether the industry sector has the TRI-listed chemicals present.⁶ Second, the Activity Factor asks whether the facilities manufacture or use these chemicals. Finally, the Information Factor asks the degree to which

publication of the TRI information would provide benefit to communities. As discussed below, NGP meet all three.

With respect to the Information Factor, EPA stated in 1997 that one of the primary reasons for adding metal mining to the TRI included the benefits to the public at large, not simply the individual affected communities. “The ‘community’ which may benefit from data is broader than the individual citizens living or working in close proximity to mining operations.”⁷ EPA reasoned that TRI expansion was warranted as the information would provide the public knowledge of the chemicals involved in mining, and can use that information to better assess environmental and human health risks.⁸

Since its inception, TRI has had a major effect on environmental awareness and public policy. Citizens groups have produced scores of environmental advocacy reports using TRI data. Reporters have used TRI information as an additional tool to reveal toxic pollution. Many large companies have developed new corporate policies to address TRI chemicals. A number of state legislatures have passed toxics-use reduction laws. And government regulators have used TRI data to help set environmental priorities.

The Information Factor arguments that EPA employed 20 years ago apply *a fortiori* to the industry sectors identified in the 2015 EIP petition. The rapid deployment of the twin technologies of directional drilling and hydraulic fracturing for oil and natural gas has moved ever closer to residential areas, schools, parks and playgrounds, airports, and hospitals all across the United States—including in states that have never had large-scale oil and gas development before.

In Texas, some cash-strapped school districts have leased school property to the oil and gas industry in exchange for royalty payments needed to help balance their budgets.⁹ Some oil and gas facilities have been constructed within a few hundred feet of school playgrounds. The same situation exists in Colorado.¹⁰ In Pennsylvania, religious institutions that run summer camps for children have leased some of their property as well.¹¹

The close connection that this industry now shares with the public at large vastly overshadows that for many other TRI reporting entities. Compressor stations, wells, pipelines, and other infrastructure are sometimes literally in the backyards of an increasing number of Americans. This rapid spread of the oil and gas industry, not contemplated 20 years ago, coupled with its increasing proximity to population centers, merits inclusion in the TRI.¹²

In response to EIP's petition, EPA wrote: "The addition of natural gas processing facilities to TRI would meaningfully increase the information available to the public and further the purposes of (the TRI law) EPCRA § 313."¹³ Adding, "EPA estimates that natural gas processing facilities in the U.S. manufacture, process, or otherwise use more than 25 different TRI-listed chemicals."¹⁴ We agree.

Communities living in proximity to oil and gas development deserve to know which toxic chemicals are being released into the air they breathe, and adding NGP facilities to the TRI will support this and help hold this industry accountable. While we prefer EPA require reporting also from NAICS 211111, this proposed step will provide the public a better understanding of the toxic contaminants in their communities.

Industry often claims that oil and gas development is safe, and resists more stringent regulation and oversight of activities that cause pollution. Yet, industry often blocks access to the information that the public needs to judge relative risks and safety for themselves.

Reporting of NGP facilities to the TRI would allow directly impacted residents access to information on the multiple chemicals to which they are potentially exposed over a period of time. In turn, residents could use this information to help identify the cause of health symptoms and seek appropriate medical testing and treatment. Policymakers and regulators could use the information to strengthen and implement air quality and health protections, while advocates and researchers would gain increased understanding of the impacts of natural gas development.

The TRI Information Factor in Light of Current Industry Practice

Current chemical disclosure regimes for the oil and gas industry have repeatedly proven inadequate. EPA's 2016 final study on the impacts of hydraulic fracturing on water resources highlighted this point.¹⁵ Among the many data gaps identified therein, chief among them were the poor performance of voluntary disclosure regimes and the increasing use of trade secrecy claims designed for no other purpose than to conceal from the public the danger posed by the presence and use of some of these chemicals. EPA staff have represented to Earthworks, that in practice, the agency denies few, if any, trade secret claims.

The EPA hydraulic fracturing study also emphasized that many questions about drinking water impacts remain unanswered for several reasons, including drilling companies' use of chemicals that are hidden from the public by trade secret protections and chemicals with unknown health effects.¹⁶ The EPA found that when well operators disclosed the chemicals used in hydraulic fracturing to FracFocus, the nation's largest repository of fracturing chemical data, they claimed as confidential at least one chemical for more than 70 percent of wells.¹⁷

The EPA also found that of 1,606 chemicals identified in hydraulic fracturing fluid or drilling wastewater, only 173 had toxicity values developed by sources that met EPA's standards for conducting risk assessments. "This missing information represents a significant data gap that makes it difficult to fully understand the severity of potential impacts on drinking water resources," EPA wrote.¹⁸

"For the most part [the TRI] serves the public good in various ways and probably prompts companies to do things that it otherwise wouldn't have done [to reduce emissions]."

-- Bob Kissell, DuPont Company F-P-4 Public Data Release, April 19, 1994

The TRI Information Factor in Light of Scientific Developments in Public Health Research

NGP facilities have clear air quality and health impacts, impacts that are increasing alongside the expansion of the midstream (processing and transmission) sector of natural gas development and the extraction of Natural Gas Liquids (NGLs).

Earthworks has long expressed concerns about the environmental and health impacts of shale gas development. Documentation of such impacts has accelerated in recent years; according to a comprehensive assessment of peer-reviewed literature on such risks from shale and tight gas development concluded that 80% of all papers (which total nearly 400) have been published just since 2013.¹⁹ In addition, links between shale gas development and impacts were found in the vast majority of scientific studies, including those related to health (84%); air quality (87%); and water quality (69%).²⁰

People living near NGP facilities day in and day out, as well as workers at job sites, often are subjected to multiple toxic substances simultaneously and on a chronic, long-term basis. To determine exposure risks, it is necessary to understand what happens when multiple chemicals interact and mix.²¹ The Agency for Toxic Substances and Disease Registry (ATSDR) has underscored the hazardous potential for a mixture of chemicals due to additivity, interactions, or both.²²

In addition, the nationwide growth of the oil and gas industry has, in turn, worsened the impact of toxic chemicals on air quality and health. For example, Earthworks recently reviewed data from the Pennsylvania Department of Environmental Protection (DEP) emissions inventory, which showed a considerable increase in the volume of most criteria pollutants and greenhouse gases reported to the inventory in the last few years.

Notably, volumes grew at a much faster rate than the number of well sites and midstream facilities—suggesting either greater average pollution emitted per facility in 2014 than in 2012, or that a number of facilities coming online had particularly high levels of emissions.

EPA Underestimates the Number of Regulated Facilities Under This Proposal

In the proposed rule, EPA has estimated between 282 and 444 NGP facilities would meet the basic criteria for reporting to the TRI: facilities that “extract heavier liquid hydrocarbons from the raw or field natural gas” and produce Natural Gas Liquids (NGLs), and which “manufacture, process, or otherwise use at least one TRI listed chemical in excess of applicable threshold quantities.”²³ This number is based on the Energy Information Administration (EIA) 757 Schedule A Survey, which currently shows 517 active natural gas processing plants nationwide.

Earthworks believes that the actual number of covered facilities under this proposal is very likely higher. The primary reason is that operators self-report the 757 Survey information at a given point in time. However, operators routinely expand facilities, change, and/or recharacterize their functions. As a result, some NGP plants may not be defined as such, nor state that they process NGLs at the time of reporting, but may end up doing so at a later date.

Along with these written comments, Earthworks is submitting a recent research report, *Permitted to Pollute: how oil & gas operators and regulators exploit clean air protections and put the public at risk*.²⁴ As part of this in-depth investigation, we researched the permits, plan approvals, emissions estimates, reported emissions, and other documents associates with three natural gas facilities in southwestern Pennsylvania. Our research demonstrates why a much more stringent level of toxic release tracking and reporting is warranted—and why EPA should include more types of facilities in the TRI rule.

Our project sites included a facility that is notably absent from EIA’s list of NGPs: the Bluestone Gas Processing Plant in Jackson Township, Butler County, which is owned and operated by MarkWest Liberty Bluestone LLC. Earthworks is puzzled why the Bluestone plant is not on the EIA list, given that the plant has the SIC code 1321 (Mining-Natural Gas Liquids), which EPA specifies in the proposed rule, is largely based on fractionation (e.g., cryogenic and deethanization functions), and has operated as an NGP facility since 2013.

A key finding of our research was that the Pennsylvania Department of Environmental Protection (DEP) allows operators to expand and change processing and compression facilities under older permits designed for smaller, more limited activities.

This was certainly the case with the Bluestone plant, for which MarkWest has sought and received from DEP numerous “minor source” operating and modification permits. Since 2010, Bluestone has grown more than 10-fold in both acreage and processing capacity—with the operator’s plans submitted with permit applications shifting from a gathering compressor station to a very large industrial gas processing plant. However, it was only in December 2016, after six

plan approvals based on state general air permits, that DEP finally classified Bluestone as a “major source” (Title V) facility.²⁵

The TRI Chemical and Activity Factors

In addition to these written comments, Earthworks is also submitting videos taken with a Forward Looking Infrared (FLIR) camera by certified thermographers from twelve NGP facilities listed on EIA’s 757 survey and two more that should report to the TRI: the Bluestone plant and the Trilith compressor station (discussed below). These videos demonstrate that NGP facilities emit air pollution as a part of normal operations, accidents and unscheduled events, and equipment leaks.

Earthworks took air samples at the Bluestone plant four times in 2016 using Summa canisters that were provided and analyzed by a certified lab using standard EPA methods (TO-15 for Volatile Organic Compounds and TO-3 for methane) and additional analysis for Tentatively Identified Compounds (TICs). In all, 60 distinct chemicals were detected at least once. One sample detected 47 chemicals; on this sampling date, a FLIR video showed the release of a dense and long plume of emissions released from a flare at the Bluestone plant clearly moving far beyond the boundary of the facility and toward the sampling site.

Among the chemicals detected at the Bluestone plant, 22 are TRI listed—a clear demonstration of the need to include NGP facilities in this reporting requirement. These include Acetonitrile, Acrolein, Benzene, Biphenyl, Cyclohexane, Dichlorodifluoromethane, 1,2-Dichloroethane, 1,2-Dichloropropane, Ethylbenzene, n-Hexane, Isoprene, Methyl methacrylate, Naphthalene, Styrene, Tetrachloroethylene, Toluene, Trichlorofluoromethane, 1,2,4-Trimethylbenzene, Vinyl acetate, m-Xylene, o-Xylene, and p-Xylene.

In samples taken at the Bluestone plant, we detected two TRI chemicals in higher concentrations than the effects screening levels (ESL), or levels likely to trigger health symptoms. These included a concentration of Acrolein at 3.50 ug/m^3 , which is above the short-term ESL (3.2 ug/m^3) and more than four times the long-term ESL (0.82 ug/m^3); and Biphenyl at 3.00 ug/m^3 , which is above the short-term ESL (2.3 ug/m^3) and three times the long-term ESL (1.0 ug/m^3).²⁶

The Material Safety Data Sheets (MSDS) submitted by MarkWest Energy Partners to DEP during permitting of the Bluestone plant support these sampling results. They specified a range of chemicals associated with NGLs and sweet condensate. These included Ethane, Propane, Normal Butane, Isobutane, Pentanes, Benzene, Toluene, Mixed Xylene, Ethylbenzene, Hexanes, and Hydrogen Sulfide.

Operators in Pennsylvania report emissions of criteria pollutants, greenhouse gases, and seven individual Hazardous Air Pollutants (HAPs) to the DEP emissions inventory. Total HAPs reported by MarkWest to the DEP Emissions Inventory for the Bluestone plant increased about 240 percent from 2012 to 2014 (the latest year for which data are available), when it reached nearly five tons per year.

In addition to research on the Bluestone NGP facility, we conducted similar reviews at two large gathering compressor stations in southwestern Pennsylvania: the Trilith in Lancaster County, Butler County, which is owned and operated by MarkWest Liberty Bluestone LLC and provides gas directly to the Bluestone plant; and the Shamrock in German Township, Fayette County, owned and operated by Laurel Mountain Midstream LLC. Our findings indicate that EPA should include this class of facilities (NAICS 211111 and potentially others) in TRI reporting requirements as well.

For both of these compressor stations, we found similar permitting patterns as with Bluestone, with capacity, equipment, and function changing and expanding considerably over time. In addition, DEP records classify Trilith as a gas processing plant, while permitting documents classify it as a compressor station—a discrepancy that influences which state and federal emissions monitoring and reporting requirements apply.

Air sampling by Earthworks at the Trilith and Shamrock compressor stations (also conducted four times during 2016 using Summa canisters and analysis by a certified laboratory) detected ten TRI-listed chemicals. These included Acetaldehyde, Dichlorodifluoromethane, Ethylbenzene, n-Hexane, Isoprene, Styrene, Toluene, Trichlorofluoromethane, 1,2,4-Trimethylbenzene, and Vinyl Acetate.

In sampling taken at the Trilith compressor station, we detected two chemicals in higher concentrations than the respective ESLs. These included concentrations of Acrolein at 2.90 ug/m³, which is almost four times the long-term ESL (0.82 ug/ m³); and of Acetaldehyde at 24 ug/ m³, which is 1.5 times the short-term ESL (15 ug/ m³) and more than half of the long-term ELS (45 ug/ m³).²⁷

The release of health-harming chemicals from compressor stations has been confirmed in other studies as well. Some of the chemicals in our sampling at Trilith and Shamrock (most notably Toluene, Ethylbenzene, Propene, Dichlorodifluoromethane, and Trichlorofluoromethane) are consistent with those detected in Earthworks' previous sampling near other compressor stations in Pennsylvania.²⁸ In addition, a similar suite of volatile organic compounds was also detected in sampling by the Southwest Pennsylvania Environmental Health Project near a compressor station in New York²⁹ and by ATSDR at a compressor station in Pennsylvania.³⁰

Conclusion

The research, FLIR filming, and air sampling Earthworks has conducted unequivocally supports the need to include NGP facilities in the TRI. Yet, the proposed rule does not entirely capture the scope of NGP facilities that should report, nor the similar kinds of midstream facilities that clearly produce substantial toxic releases.

We respectfully urge EPA to finalize the proposed rule with modest changes that will also include facilities like Bluestone, Trilith, and Shamrock that exist now and are currently being proposed and constructed nationwide. A final rule with a slightly broader application will help ensure that regulated facilities cannot skirt their TRI reporting requirements by employing schemes that purport to change or recharacterize the facility's permit status or function.

For the growing number of US residents living in proximity to the natural gas industry, the proposed rule cannot come too soon. They have a right to information about chemicals that can negatively impact their air quality and health. At the same time, the oil and gas industry has an obligation to be transparent about its operations and risks posed to the public.

Thank you for your time and attention.

Sincerely,



Bruce Baizel
Director, Earthworks' Oil & Gas Accountability Project
P.O. Box 1102, Durango, CO 81302
Tel: 970-259-3353, ext. 2
bruce@earthworksaction.org

¹ EPA estimates between 282-444 natural gas processing plants will report under this proposed rule. See 82 Fed Reg. 1651 (January 6, 2017).

² Emergency Planning and Community Right to Know Act § 313(b)(1)(B).

³ Mineral Policy Center, Environmental Defense Fund and National Audubon Society letter to William K. Reilly, Administrator, EPA, October 10, 1990. EPA finalized the final rule adding the metal mining and seven other industries to the TRI on May 1, 1997 62 FR 23833.

⁴ Docket ID No. EPA-HQ-TRI-2013-0281.

⁵ Formal Response to October, 24, 2012, Petition to Add the Oil and Gas Extraction Industry, Standard Industrial Classification Code 13, to the List of Facilities Required to Report under Section 313 of the Emergency Planning and Community Right-to-Know Act, October 22, 2015 (EPA Response to Petition)

⁶ For a list of TRI chemicals, please see <https://www.epa.gov/toxics-release-inventory-tri-program/tri-listed-chemicals>.

⁷ U.S. EPA, Final Rule on the Addition of Facilities in Certain Industry Sectors, Federal Register: May 1, 1997 (Vol. 62, No. 84), p. 23857.

⁸ U.S. EPA, Final Rule on the Addition of Facilities in Certain Industry Sectors, Federal Register: May 1, 1997 (Vol. 62, No. 84), p. 23857.

⁹ Denton, Arlington, and Ft. Worth Independent School Districts

¹⁰ See https://www.youtube.com/watch?v=GN_ABMiCQCK.

¹¹ Western PA communities offer local drilling lessons The Citizens' Voice by Laura Legere June 23, 2010

¹² The Information Factor as articulated by those who stand to benefit from the information: "Western Maryland currently has the highest targeted amount of shale gas within the state, and development activities will likely be centered in rural communities like Garrett County. Unfortunately, the county does not have the information or ability to address the storage of large volumes of chemicals, which may appeal to companies looking to stage drilling and processing activities within Maryland," said Eric Robison, CitizenShale president and resident of Garrett County, Maryland. "The reporting provided by the TRI would allow a community like Garrett County to, first, be informed and, second, be prepared."

"I don't just work with Powder River Basin Resource Council members in Pavillion, Deaver, and Clark, Wyoming, who are severely impacted by contamination from oil and gas development. I also live with it," said Deb Thomas, Powder River Basin Resource Council organizer and resident of Clark, Wyoming. "For those of us who fear our health is being affected by this industry, disclosure of the chemicals and constituents used during development is

extremely important. We need to know what we're being exposed to so that physicians can diagnose and treat our health problems and we can make informed decisions about staying in the communities we live in. It is a human right to know what toxic materials are being stored and used where we live and work."

¹³ EPA Response to Petition at page 5.

¹⁴ Ibid.

¹⁵ U.S. EPA. Hydraulic Fracturing for Oil and Gas: Impacts from the Hydraulic Fracturing Water Cycle on Drinking Water Resources in the United States (Final Report). U.S. Environmental Protection Agency, Washington, DC, EPA/600/R-16/236F, 2016, at ES-3.

¹⁶ Ibid. at ES-45.

¹⁷ Ibid.

¹⁸ Ibid at ES-45, 46.

¹⁹ Physicians, Scientists, and Engineers for Healthy Energy, *Toward and understanding of the environmental and health impacts of shale gas development: an analysis of peer reviewed scientific literature, 2009-2015*. Science summary, April 2016. For a complete overview of the scientific literature, see PSE's citation database at https://www.zotero.org/groups/pse_study_citation_database/items

²⁰ Ibid.

²¹ Kassotis CD, Tillitt DE, Lin C-H, McElroy JA, Nagel SC. "Endocrine-Disrupting Chemicals and Oil and Natural Gas Operations: Potential Environmental Contamination and Recommendations to Assess Complex Environmental Mixtures." *Environmental Health Perspectives* 2015.

²² Assessment of Joint Toxic Action of Chemical Mixtures. Guidance Manual. Agency for Toxic Substances and Disease Registry. 2004. Available at www.atsdr.cdc.gov/interactionprofiles/ipga.html

²³ 82 Fed Reg. 1651-1656, January 6, 2017.

²⁴ Earthworks, February 2017. Report, FLIR videos, and supporting information available at <http://earthworksaction.org/permittedtopollute>.

²⁵ *Pennsylvania Bulletin* notice for Plan Approval 10-368E from DEP to MarkWest, December 10, 2016.

²⁶ Based on 2014 Effects Screening Levels established by the Texas Commission on Environmental Quality to determine potential health exposures during airpermitting. See <https://www.tceq.texas.gov/toxicology/esl>.

²⁷ Based on 2014 Effects Screening Levels established by the Texas Commission on Environmental Quality to determine potential health exposures during air permitting. See <https://www.tceq.texas.gov/toxicology/esl>.

²⁸ Case studies #1 (Judy) and #6 (Carr), *Blackout in the Gas Patch: How Pennsylvanians are Left in the Dark on Health and Enforcement*, Earthworks 2014.

²⁹ Southwest Pennsylvania Environmental Health Project, "Summary of Minisink Monitoring Results," 2015.

³⁰ Agency for Toxic Substances and Disease Registry, Health consultation/Exposure Investigation, Brighc Compressor Station, Washington County PA, 2016.

To: (b) (6)@critfc.org (b) (6)@critfc.org; Myers, Irina[Myers.Irina@epa.gov]; Reisman, Larry[Reisman.Larry@epa.gov]; Lloyd, Tyler[Lloyd.Tyler@epa.gov]; Giamporcaro, David[Giamporcaro.David@epa.gov]; (b) (6)@astho.org (b) (6)@astho.org; (b) (6)@astswmo.org (b) (6)@astswmo.org; (b) (6)@astswmo.org (b) (6)@astswmo.org; (b) (6)@ncsl.org (b) (6)@ncsl.org; (b) (6)@ncsl.org (b) (6)@ncsl.org; (b) (6)@newmoa.org (b) (6)@newmoa.org; (b) (6)@newmoa.org (b) (6)@newmoa.org; (b) (6)@p2.org; (b) (6)@maine.gov (b) (6)@maine.gov; (b) (6)@dep.state.nj.us (b) (6)@dep.state.nj.us; (b) (6)@gw.dec.state.ny.us (b) (6)@gw.dec.state.ny.us; (b) (6)@gw.dec.state.ny.us (b) (6)@gw.dec.state.ny.us; (b) (6)@state.ma.us; (b) (6)@la.gov (b) (6)@la.gov; (b) (6)@state.mn.us (b) (6)@state.mn.us; (b) (6)@state.mn.us (b) (6)@state.mn.us; (b) (6)@state.mn.us (b) (6)@state.mn.us; (b) (6)@ecy.wa.gov (b) (6)@ecy.wa.gov; (b) (6)@doh.wa.gov (b) (6)@doh.wa.gov; (b) (6)@ecy.wa.gov (b) (6)@ecy.wa.gov; (b) (6)@deq.state.or.us (b) (6)@deq.state.or.us; (b) (6)@deq.state.or.us (b) (6)@deq.state.or.us; (b) (6)@dtsc.ca.gov (b) (6)@dtsc.ca.gov; (b) (6)@dtsc.ca.gov (b) (6)@dtsc.ca.gov; (b) (6)@dtsc.ca.gov (b) (6)@dtsc.ca.gov; (b) (6)@vermont.gov; (b) (6)@ECY.WA.GOV; (b) (6)@DTSC (b) (6)@dtsc.ca.gov; Parsons, Doug[Parsons.Douglas@epa.gov]; (b) (6)@idph.iowa.gov (b) (6)@idph.iowa.gov; Morris, Jeff[Morris.Jeff@epa.gov]; (b) (6)@nebraska.gov (b) (6)@nebraska.gov; (b) (6)@kdheks.gov (b) (6)@kdheks.gov; (b) (6)@health.mo.gov (b) (6)@health.mo.gov; Williams, Bridget[Williams.Bridget@epa.gov]; Rutsch, Linda[Rutsch.Linda@epa.gov]; Sheehan, Eileen[Sheehan.Eileen@epa.gov]; (b) (6)@state.mn.us (b) (6)@state.mn.us; Winchester, Erik[Winchester.Erik@epa.gov]; Goodlow, Toiya[Goodlow.Toiya@epa.gov]; Courtage, Robert[Courtage.Robert@EPA.GOV]; Turk, David[Turk.David@epa.gov]; Devito, Steve[Devito.Steve@epa.gov]; Cherepy, Andrea[Cherepy.Andrea@epa.gov]; Scheifele, Hans[Scheifele.Hans@epa.gov]; (b) (6)@state.or.us; (b) (6)@ECY.WA.GOV; (b) (6)@DTSC (b) (6)@dtsc.ca.gov

From: Buster, Pamela
Sent: Wed 1/25/2017 11:06:36 PM
Subject: RE: Chemicals Safety & State-based Groups Quarterly Coordination Call-January Follow-Up items
[Safer Choice Back to School Postcard English.pdf](#)

Greetings Everyone,

Thanks for joining today's call. As discussed, I am postings links to supplemental information relating to today's agenda items. Feel free to let me know if you have additional comments, questions, or concerns.

TSCA Update

- The Environmental Protection Agency (EPA) is moving to propose how it will prioritize and evaluate chemicals. The three rules that will help administer the new process are:
 - [Inventory Rule-HQ-OPPT-2016-0426](#)
 - [Prioritization Rule-HQ-OPPT-2016-0636](#)
 - [Risk Evaluation Rule-HQ-OPPT-2016-0654](#)

- Comments on the proposed rules must be received 60 days after date of publication in the Federal Register.
- The office is also in the process of collecting information to develop the scoping documents for the 1st 10 chemicals. The chart at the bottom of this email highlights these chemicals and their associated EPA point of contact.
 - Public Meeting: February 14, 2017 from 9:00 a.m. to 3:00 p.m.
 - Registration: <https://tscachemicaluse.eventbrite.com>.

Safer Choice Update

- *To request copies of the Safer Choice Label post card, contact Linda Rutsch.*
- *To preview the post cards, open the attached document.*
- *The Healthy Waters blog is accessible on our website.*

Formaldehyde Rule Update

- *The Formaldehyde Emission Standards for Composite Wood Products was published on December 12th, 2016.*
- *The webinar schedule is available online.*
- *Compliance guides are also available on the EPA website.*

TRI Update

- Natural Gas Processing Facilities to the Toxics Release Inventory Proposed Rule
- 2015 TRI National Analysis

Chemical	CASRN	Exposure Information from 2014 Work Plan	Hazard Information from 2014 Work Plan	Docket ID No.	Agency
1,4-Dioxane	123-91-1	Used in consumer products. Present in groundwater, ambient air and indoor environments. High reported releases to the environment.	Possible human carcinogen	<u>EPA-HQ-OPPT-2016-0723</u>	<u>Cindy Wheeler</u> <u>c.wheeler@epa.gov</u> <u>202-566-0140</u>
1-Bromopropane	106-94-5	Used in consumer products. Present in drinking water, indoor environments, surface water, ambient air, groundwater, soil. Estimated to have high releases to the environment.	Possible human carcinogen	<u>EPA-HQ-OPPT-2016-0741</u>	<u>Ana Cora Colorado</u> <u>ana.corado@epa.gov</u> <u>564-0140</u>

Asbestos	1332-21-4	Used in chlor-alkali production, consumer products, coatings and compounds, plastics, roofing products, and other applications. Also found in certain imported products such as brakes, friction products, gaskets, packing materials and building materials.	Known human carcinogen; Acute and chronic toxicity from inhalation exposures	EPA-HQ-OPPT-2016-0736	Robert Courtnage 202-566-
Carbon Tetrachloride	56-23-5	Used in commercial/industrial products. Present in biomonitoring, drinking water, indoor environments, surface water, ambient air, groundwater, soil. High reported releases to the environment.	Probable human carcinogen	EPA-HQ-OPPT-2016-0733	Stephanie Jarmulski 202-564-
Cyclic Aliphatic Bromide Cluster (HBCD)	25637-99-4	Flame retardant in extruded polystyrene foam, textiles, and electrical and electronic appliances.	Acute aquatic toxicity	EPA-HQ-OPPT-2016-0735	Sue Slotnick 566-1973
Methylene Chloride	75-09-2	Used in consumer products. Present in drinking water, indoor environments, ambient air, groundwater, and soil.	Probable human carcinogen	EPA-HQ-OPPT-2016-0742	Ana Cora Colorado 564-0140
N-Methylpyrrolidone (NMP)	872-50-4	Used in consumer products. Present in drinking water and indoor environments. High reported releases into the environment.	Reproductive toxicity	EPA-HQ-OPPT-2016-0743	Ana Cora Colorado 564-0140
Pigment Violet 29 (Anthra[2,1,9-def:6,5,10-d'e'f']diisoquinoline-1,3,8,10(2H,9H)-tetrone)	81-33-4	Used in consumer products. Estimated to have moderate releases to the environment.	Aquatic toxicity	EPA-HQ-OPPT-2016-0725	Hannah Braun 202-564-
Trichloroethylene (TCE)	79-01-6	Used in consumer products. Present in drinking water, indoor environments, surface water, ambient air, groundwater, and soil.	Probable human carcinogen	EPA-HQ-OPPT-2016-0737	Toni Krasnic 564-0984

Tetrachloroethylene (also known as perchloroethylene)	127-18-4	Used in consumer products and dry cleaning. Present in biomonitoring, drinking water, indoor environments, ambient air, groundwater, soil. High reported releases to the environment.	Probable human carcinogen	<u>EPA-HQ-OPPT-2016-0732</u>	<u>Tyler Llo</u> <u>lloyd.tyle</u> <u>564-4016</u>
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Thanks,
Pam Buster
Environmental Assistance Division, LB
OCSPP/OPPT
1201 Constitution Ave., NW
Washington, DC 20004
(202) 564-8817 phone

To: Kendall, Judith[Kendall.Judith@epa.gov]
Cc: Turk, David[Turk.David@epa.gov]
From: Koehn, Kara
Sent: Thur 3/9/2017 3:58:16 PM
Subject: RE: Call for Agenda Items: Regions, States, Tribes Call - 3/14

Hi Judy,

Could Dave and I have a little bit of time to say something about the comment period extension for the proposed rule to add Natural Gas Processing to TRI? It should take 5 min or less.

Thanks!

Kara

Kara Koehn

Toxics Release Inventory

US Environmental Protection Agency (EPA)
Koehn.Kara@epa.gov

(202) 566-0310

From: Kendall, Judith
Sent: Thursday, March 09, 2017 10:52 AM
To: OPPT TRI <OPPT_TRI@epa.gov>; Parra, Juan <Parra.Juan@epa.gov>; Knipschild, Shane <Knipschild.Shane@epa.gov>; Antisdell, Timothy <Antisdell.Timothy@epa.gov>; Clark, Katherine <Clark.Katherine@epa.gov>
Subject: Call for Agenda Items: Regions, States, Tribes Call - 3/14
Importance: High

Please send Agenda items ASAP for next Tuesday's bi-monthly call with the TRI Regions, States and Tribes.

Thanks all!!

Judith Kendall

TRI Program Division, OPPT/OCSPP

Environmental Protection Agency

kendall.judith@epa.gov

202-566-0750



Texas Pipeline Association

Thure Cannon
President

February 6, 2017

Via www.regulations.gov
Environmental Protection Agency
Docket ID No. EPA-HQ-TRI-2016-0390
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Addition of Natural Gas Processing Facilities to the Toxics Release Inventory (TRI), Docket ID No. EPA-HQ-TRI-2016-0390; Request for Extension

Dear Sir or Madam:

The Texas Pipeline Association (“TPA”) requests a 60-day extension of the comment period on EPA’s proposal to apply the Toxics Release Inventory (“TRI”) reporting requirements in Section 313 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”) to natural gas processing facilities. TPA is a trade organization composed of approximately 50 members who gather, process, treat, and transport natural gas and hazardous liquids materials through intrastate pipelines in Texas. TPA will be affected by EPA’s actions on this proposal because TPA members own and operate facilities and equipment that would be subject to the proposed TRI reporting requirements.

The proposed rule was published on January 6, 2017; the deadline for comments is currently March 7, 2017.¹ TPA urges EPA to grant this request for a 60-day extension of time to file comments on this proposed rule, so that the new deadline for filing comments on this proposal will be May 8, 2017.

This proposed rule represents one of the last formal actions taken by the U.S. EPA under President Obama’s administration. It appeared in the Federal Register just two weeks before President Trump was sworn into office. Accordingly, the proposal and comment period here at issue straddle the transition from the end of one Presidential administration into the beginning of another. As a result, uncertainty abounds as to the new direction in environmental policy that will unfold under a new EPA Administrator. As of this date, the confirmation of President Trump’s nominee to head EPA has yet to be considered by the full Senate. A new EPA Administrator should be given the opportunity to review any proposed regulation in midstream and direct how and whether the activities on a proposed rule should be halted, terminated or taken in a new direction.

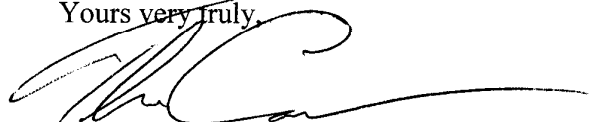
¹ 82 Fed. Reg. 1651 (Jan. 6, 2017).

This action would be consistent with the White House *Memorandum for the Heads of Executive Departments and Agencies*, issued by Reince Priebus, Assistant to the President and Chief of Staff, dated January 20, 2017. In that Memorandum, the White House directed that, *inter alia*, the effective date for certain final rules published in the Federal Register be postponed for 60 days. The stated purpose for this postponement in the effective date was “for the purpose of reviewing questions of fact, law, and policy they raise.” The same opportunity and principle apply here and we would urge EPA to allow this additional time so that the new EPA Administrator has the opportunity to review the underpinnings of this proposed rule and has sufficient time to consider what actions to take next. Most importantly, this additional time would prevent needless expenditure of the public’s resources in developing comments on a proposal that may be subsequently altered or withdrawn.

In addition, this comment period falls in the first quarter of the year, which is a busy period for regulated entities due to a heavy schedule of reporting and compliance deadlines under state and federal regulatory programs and whose resources are dedicated to this effort. An extension of time would also afford TPA and other commenters an opportunity to assess whether the information EPA proposes to collect under the TRI is duplicative of existing requirements. Further, the requested extension will enable TPA and other commenters an opportunity to conduct a more thorough assessment of how the substantive provisions of the proposed rule, such as source aggregation principles, might unnecessarily and unreasonably extend the rule’s requirements beyond their intended scope, and to suggest alternatives to EPA so as to avoid this unintended consequence.

For all of the above reasons, we respectfully request that the current comment period be extended to May 8, 2017.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Thure Cannon', with a long, sweeping horizontal line extending to the right.

Thure Cannon
President



May 2, 2017

U.S. Environmental Protection Agency
EPA Docket Center
EPA-HQ-TRI-2016-0390
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Proposed Rule: Addition of Natural Gas Processing Facilities to the Toxics Release Inventory
Docket I.D. # EPA-HQ-TRI-2016-0390

To Whom It May Concern:

The Marcellus Shale Coalition (MSC) was formed in 2008 and is comprised of approximately 220 producing, midstream, transmission and supply chain members who are fully committed to working with local, county, state and federal government officials and regulators to facilitate the development of natural gas resources in the Marcellus, Utica and related geological formations. Our members represent many of the largest and most active companies in natural gas production, gathering, processing and transmission in the country, as well as the suppliers and contractors who service the industry.

On behalf of its membership, the MSC respectfully requests that the U.S. Environmental Protection Agency (U.S. EPA) withdraw its proposal to add natural gas processing facilities to the Toxic Release Inventory (TRI). The operations and activities of natural gas processing facilities are already heavily regulated under both state and federal law and accompanying rulemakings to ensure prudent operation. For example, in Pennsylvania such facilities are subject to comprehensive release reporting, water and waste management and air emission standards; many of which are not imposed on other industries. Additionally, multiple layers of state statutes and local requirements are already in place with respect to the permitting, siting and location of natural gas processing facilities, along with rigorous emergency planning and response criteria. Expanding the scope of facilities subjected to the burdensome and cumbersome reporting thresholds of the TRI by way of this rulemaking will only result in significant new reporting compliance obligations and costs without providing a meaningful and commensurate environmental or public health benefits.

The MSC recognizes U.S. EPA's assertion that *"this action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011)"* because it does not exceed the "significant regulatory action" cost imposition threshold. However, despite this recognition, the MSC believes this proposal, as presented would impose substantial legal obligations upon natural gas processing facilities, a key sector of the economy, which currently are not in place, and could trigger significant sanctions and penalties for failure to comply. Furthermore, it imposes substantial paperwork and cost-compliance obligations related to the TRI reporting standards; by U.S. EPA's own estimates, these initial costs are in excess of \$13.5 million and will consume nearly 250,000 cumulative hours across the industry – merely to complete paperwork. The MSC believes these cost-compliance estimates are significantly underreported, based upon our members' prior experience with

U.S. EPA cost-compliance estimates. The obligations and related costs imposed under this proposal also clearly conflict with the intent of the Presidential Executive Orders 13771 of January 30, 2017 (related to Reducing Regulation and Controlling Regulatory Costs) and 13777 of February 24, 2017 (related to Regulatory Reform Agenda).

In addition to the objections outlined above, the MSC joins in supporting the comments submitted by the GPA Midstream Association. In conclusion, the MSC again urges the U.S. EPA to withdraw this proposed rule.

Thank you for your consideration of these comments. Should you have any questions or require additional clarification or information, please do not hesitate to contact me.

Sincerely,



Jim Welty

Vice President – Government Affairs





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May 5, 2017

Mr. David Turk
Regulatory Development Branch
Office of Air Pollution and Toxics (7410M)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Proposed Addition of Natural Gas Processing Facilities to the Toxics
Release Inventory

Dear Mr. Turk:

The Western Governors' Association (WGA) appreciates the opportunity to provide comments on the Environmental Protection Agency's (EPA) proposal to add natural gas processing (NGP) facilities to the scope of sectors covered by reporting requirements of the Toxic Release Inventory¹ (TRI) ([82 FR 1651, January 6, 2017](#)). We appreciate the Agency's extension of the comment period until May 6, 2017 ([82 FR 12924, March 8, 2017](#)).

STATEMENT OF INTEREST

WGA represents the Governors of 19 western states and three U.S.-flag islands. The association is an instrument of the Governors for bipartisan policy development, information exchange and collective action on issues of critical importance to the western United States.

Western states have a long history of regulating the oil and natural gas industry for protection of public health and the environment. Western Governors are unified in their view that agencies should consult with states in a meaningful way and on a timely basis when considering new regulations that would affect western states and their citizens. See WGA Policy Resolution [2017-01, Building a Stronger State-Federal Relationship](#), which is attached for your reference and incorporated in these comments by reference.

¹ Established under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

EPA PROPOSAL

EPA has proposed to list sectors of the Natural Gas Liquid Extraction Industry² on the TRI as NGP facilities. EPA has estimated that approximately 517 facilities in the lower 48 states are defined as NGP facilities falling under North American Industry Classification System Code (NAICS Code) 211112, and, that of this number, roughly 282 would meet the 10-employee threshold at or above which TRI reporting would become mandatory. EPA considers three additional factors when deciding whether to add an industrial sector to the scope of industries covered by the TRI:³

- Chemical Factor: Whether one or more toxic chemicals are reasonably anticipated to be present at facilities within the candidate industry group;
- Activity Factor: Whether facilities within the candidate industry group “manufacture,” “process,” or “otherwise use” toxic chemicals; and
- Information Factor: Whether facilities within the candidate industry group can reasonably be anticipated to increase the information made available pursuant to EPCRA section 313, or otherwise further the purposes of EPCRA section 313.

Western Governors understand that the addition to the TRI as contemplated will require all NGP facilities to submit annual TRI reports evaluating their operations to determine whether reporting thresholds for various chemical substances have been exceeded. Further, NGP facilities meeting the 10-employee threshold would also be required to undertake an evaluation of the gas processed at those facilities to determine whether TRI chemical substances exceed applicable EPA limits.

CONCERNS / RECOMMENDATIONS OF WESTERN GOVERNORS

State Consultation

Substantive consultation with Western Governors was not sought by EPA during development of this proposal, **despite western states’ role as primary regulators of the oil and natural gas industry**. EPA should engage Western Governors and state regulators to determine the necessity of adding NGP facilities to the TRI, especially taking into account current state regulations. Should EPA find justification for this new regulation, it should then work with state partners to ensure federal regulations work in concert with state regulations.

² North American Industry Classification System code 211112.

³ Proposed rule, *Addition of Natural Gas Processing Facilities to the Toxic Release Inventory (TRI)*, section IV(A). Page 1653. Threshold applies to full-time employees or equivalent.

TRI Contextual Considerations

In general, the TRI lacks the necessary context with which to determine the ultimate effect that included substances have on human and environmental health.

- EPA has not demonstrated that including various types of facilities on the TRI has any additive benefit to environment.
- The TRI also does not consider contextual considerations, including:
 - Migration (or lack thereof) of monitored chemical substances;
 - Short-term and long-term atmospheric concentration of chemical substances emitted from TRI-covered facilities; and
 - Information about the relative toxicity of covered substances.


Financial Considerations

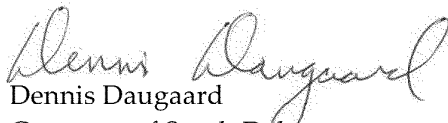
Protection of human and environmental health is a primary and overriding concern for Western Governors. Nevertheless, reporting requirements described in this comment letter and in EPA's proposed rule may significantly impede natural gas operations in the West if NGP facilities are added to the TRI. EPA has estimated that the proposed inclusion of NGP facilities on the TRI would cost the natural gas industry up to \$13.5 million for the first year of reporting, and as much as \$7.3 million per year thereafter. At a time of economic uncertainty for the oil and natural gas industry – a key element of many Western states' economies – state and federal regulators should take a cautious and measured approach to new regulations with economic implications.

CONCLUSION

EPA should thoughtfully reexamine the TRI program to determine if it currently provides communities with accurate and useful information to protect human health and the environment. The agency should also reevaluate its proposal to add NGP facilities to the TRI. If EPA determines that adding such facilities to the program is necessary, it should work with Western Governors and state regulators to ensure that new federal regulations work in concert with state regulations and do not create undue financial burdens for NGP facilities.

Sincerely,


Steve Bullock
Governor of Montana
Chair, WGA


Dennis Daugaard
Governor of South Dakota
Vice Chair, WGA



Western Governors' Association Policy Resolution 2017-01

Building a Stronger State-Federal Relationship

A. PREAMBLE

The Governors of the West are proud of their unique role in governing and serving the citizens of this great nation. They recognize that the position they occupy – the chief elected official of a sovereign state – imposes upon them enormous responsibility and confers upon them tremendous opportunity. Moreover, the faithful discharge of their obligations is central to the success of the Great American Experiment.

It was, after all, the states that confederated to form a more perfect union by creating a national government of limited and defined powers. The grant of specific responsibilities for irreducibly common interests – such as national defense and interstate commerce – was brilliantly designed to make the whole stronger than the sum of its parts.

The genius of American democracy is predicated on the separation of powers among branches of government (*viz.* the legislative, executive and judiciary) and the division of power between the federal and state governments (federalism). Under the American version of federalism, the powers of the federal government are narrow, enumerated and defined. The powers of the states, on the other hand, are vast and indefinite. States are responsible for executing all powers of governance not specifically bestowed to the federal government by the U.S. Constitution. This principle is memorialized in the Tenth Amendment, which states in its entirety, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

This reservation of power to the states respects the differences between regions and peoples. It recognizes a right to self-determination at a local level. It rejects the notion that one size fits all, and it provides for a rich tapestry of local cultures, economies and environments.

Because of the Constitutional recognition of state sovereignty, the states have been appropriately regarded as laboratories of democracy. States regularly engage in a kind of cooperative competition in the marketplace of ideas. Western Governors are leaders in innovative governance who employ their influence and executive authority to promote initiatives for improvement of their states’ economies, environments and quality of life.

Despite the foregoing, the balance of power has, over the years, shifted toward the federal government and away from the states. The growth in the size, cost and scope of the federal government attests to this new reality. Increasingly prescriptive regulations infringe on state authority, tie the hands of states and local governments, dampen innovation and impair on-the-ground problem-solving. Failures of the federal government to consult with states reflect a lesser appreciation for local knowledge, preferences and competencies.

The inauguration of a new Administration presents a historic opportunity to realign the state-federal relationship. Western Governors are excited to work in true partnership with the federal government. By operating as authentic collaborators on the development and execution of policy, the states and federal government can demonstrably improve their service to the public. Western Governors are optimistic that the new Administration will be eager to unleash the power and creativity of states for the common advantage of our country. By working cooperatively with the states, the Administration can create a legacy of renewed federalism, resulting in a nation that is stronger, more resilient and more united. Such an outcome will redound to the credit of the Administration and inure to the benefit of the American people.

B. BACKGROUND

1. The relationship between state government authority and federal government authority is complex and multi-dimensional. There are various contexts in which the authorities of these respective levels of U.S. government manifest and intersect. For example:
 - a) **Exclusive Federal Authority** – There are powers that are specifically enumerated by the U.S. Constitution as exclusively within the purview of the federal government.¹
 - b) **State Primacy** – States derive independent rights and responsibilities under the U.S. Constitution. All powers not specifically delegated to the federal government are reserved for the states; in this instance, the legal authority of states overrides that of that federal government.²

¹ The structure of the government established under the U.S. Constitution is premised upon a system of checks and balances: Article VI (Supremacy Clause); Article I, Section 8 (Congressional); Article II, Section 1 (Executive Branch); Article III, Section 2 (Judicial Branch). State law can be preempted two ways. If Congress evidences an intent to fully occupy a given “field,” then state law falling within the field is preempted. If Congress has not fully displaced state regulation over the matter, then state law is preempted to the extent it *actually* conflicts with federal law.

² Amendment 10 of the U.S. Constitution: “*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.*”

Governors have responsibilities for the condition of land, air, forest, wildlife and water resources, as well as energy and minerals development, within their state's borders.

- c) **Shared State-Federal Authority** – In some cases, state and/or federal authority can apply, given a particular fact pattern.³ Federal preemption of state law is a concern under this scenario. According to the Council on State Governments, the federal government enacted only 29 statutes that pre-empted state law before 1900. Since 1900, however, there have been more than 500 instances of federal preemption of state law.
- d) **State Authority “Delegated” from Federal Agencies by Federal Statute** – The U.S. Congress has, by statute, provided for the delegation to states of authority over certain federal program responsibilities. Many statutory regimes – federal environmental programs, for example – contemplate establishment of federal standards, with delegated authority (permissive) available to states that wish to implement those standards.

According to the Environmental Council of the States (ECOS), states have chosen to accept responsibility for 96 percent of the primary federal environmental programs that are available for delegation to states. States currently execute the vast majority of natural resource regulatory tasks, including 96 percent of the enforcement and compliance actions and collection of more than 94 percent of the environmental quality data currently held by the U.S. Environmental Protection Agency (EPA).

- e) **Other** – Where the federal government has a statutory, historical or “moral” obligation to states.⁴

³ The federal government has authority to regulate federal property under Article IV of the Constitution. That authority, however, is limited. General regulatory authority (including regulation of wildlife and land use) is held by the states, unless Congress passes a specific law that conflicts with a state's exercise of authority. This is discussed in detail in U.S. Supreme Court case, *Kleppe v. New Mexico*.

⁴ These historic agreements include, but are not limited to: Payments in Lieu of Taxes; shared revenues authorized by the Secure Rural Schools Act; Oregon and California Railroad Revested Lands payments; shared mineral royalties at the historic level of 50% and renewable energy leasing revenues from development on U.S. Forest Service lands, Bureau of Land Management lands and waters off the coasts of the western states; Abandoned Mine Lands grants to states consistent with 2006 Amendments to the Surface Mining Control and Reclamation Act; legally binding agreements and timetables with states to clean up radioactive waste that was generated in connection with nuclear weapons production and that remains on lands managed by the Department of Energy in the West.

2. Over time, the strength of the federal-state partnership in resource management has diminished. Federal agencies are increasingly challenging state decisions, imposing additional federal regulation or oversight and requiring documentation that can be unnecessary and duplicative. In many cases, these federal actions encroach on state legal prerogatives, especially in natural resource management. In addition, these federal actions neglect state expertise and diminish the statutorily-defined role of states in exercising their authority to manage delegated environmental protection programs.
3. The current fiscal environment exacerbates tensions between states and federal agencies. For example, states have a particular interest in improving the active management of federal forest lands. The so-called “fire borrowing” practice employed by the U.S. Forest Service and the Department of the Interior to fund wildfire suppression activities is negatively affecting restoration and wildfire mitigation work in western forests. Changes are needed, as the current funding situation has allowed severe wildfires to burn through crippling amounts of the very funds that should instead be used to prevent and reduce wildfire impacts, costs, and safety risks to firefighters and the public. This also has impacts on local fire protection districts, which often bear the brunt of costs associated with first response to wildfire, and state budgets that are also burdened by the costs of wildfire response. Fire borrowing represents an unacceptable set of outcomes for taxpayers and at-risk communities, and does not reflect responsible stewardship of federal land. In addition, states increasingly are required to expend their limited resources to operate regulatory programs over which they have less and less control. A 2015 report by the White House Office of Management and Budget on the costs of federal regulation and the impact of unfunded mandates notes that federal mandates cost states, cities and the general public between \$57 and \$85 billion every year.
4. States are willing and prepared to more effectively partner with the federal government on the management of natural resources within their borders.
5. The U.S. Advisory Commission on Intergovernmental Relations – established in 1959 and dissolved in 1996 – was the federal government's major platform for addressing broad intergovernmental issues beyond narrow considerations of individual programs and activities.
6. The current Executive Order on Federalism (E.O. 13132) was issued by then-President William Clinton in 1999. That E.O. has not been revisited since and it may be time to consider a new E.O.

C. GOVERNORS' POLICY STATEMENT

1. Review of the Federal-State-Local Relationship

- a) It is time for thoughtful federal-state-local government review of the federal Executive Order on Federalism to identify areas in the policy that can be clarified and improved to increase cooperation and efficiency.
- b) Governors support reestablishment of the U.S. Advisory Commission on Intergovernmental Relations. It is imperative that the President show his commitment to the Constitutional separation of powers by establishing a platform at the highest level to address federalism concerns.

2. Avoiding Preemption of States

- a) In the absence of Constitutional delegation of authority to the federal government, state authority should be presumed sovereign. Accordingly, federal departments and agencies should, to the extent permitted by law, construe, in regulations and otherwise, a federal statute to preempt state law only when the statute contains an express preemption provision or there is some other firm evidence compelling the conclusion that Congress intended preemption of state law, consistent with established judicial precedent.
- b) When Congress, acting under authority granted to it by the Constitution, does preempt state environmental laws, federal legislation should:
 - i. Accommodate state actions taken before its enactment;
 - ii. Permit states that have developed stricter standards to continue to enforce them;
 - iii. Permit states that have developed substantially similar standards to continue to adhere to them without change and, where applicable, without consideration to land ownership.

3. Defining Meaningful State-Federal Consultation

- a) Each Executive department and agency should be required to have a clear and accountable process to provide each state – through its Governor as the top elected official of the state and other representatives of state and local governments as he or she may designate – with *early, meaningful* and *substantive*

input in the development of regulatory policies that have federalism implications. This includes the development, prioritization and implementation of federal environmental statutes, policies, rules, programs, reviews, budgets and strategic planning.

- b) Consistent with C(2) and C(3)(a), federal agencies should consult with states in a meaningful way, and on a timely basis.
 - i. **Predicate Involvement:** Federal agencies should take into account state data and expertise in development and analysis of underlying science serving as the legal basis for federal regulatory action. States merit greater representation on all relevant committees and panels (such as the EPA Science Advisory Board and related issue panels) advising federal agencies on scientific, technological, social and economic issues that inform federal regulatory processes.
 - ii. **Pre-Publication / Federal Decision-making Stage:** Federal agencies should engage in early (pre-rulemaking) consultation with Governors and state regulators. This should include substantive consultation with states during development of rules or decisions and a review by states of the proposal before a formal rulemaking is launched (i.e., before such proposals are sent to the White House Office of Management and Budget).
 - iii. **Post-Publication / Pre-Finalization Stage:** As they receive additional information from state agencies and non-governmental entities, Governors and designated state officials should have the opportunity to engage with federal agencies on an ongoing basis to seek refinements to proposed federal regulatory actions prior to finalization.

4. State Authority “Delegated” from Federal Agencies Pursuant to Federal Statute

Where states are delegated authority by federal agencies pursuant to legislation:

- a) Federal agencies should treat states as co-regulators, taking into account state views, expertise and science in the development of any federal action impacting state authority.

- b) Federal agencies should grant states the maximum administrative discretion possible. Any federal oversight of such state should not unnecessarily intrude on state and local discretion. Where states take proactive actions, those efforts should be recognized and credited in the federal regulatory process.
- c) When a state is meeting the minimum requirements of a delegated program, the role of a federal department or agency should be limited to the provision of funding, technical assistance and research support. States should be free to develop implementation and enforcement approaches within their respective jurisdictions without intervention by the federal government.
- d) New federal rules and regulations should, to the extent possible, be consistent with existing rules and regulations. The issuing agency should identify elements and requirements common to both the proposed and existing regulations and provide states an opportunity to develop plans addressing the requirements of both in a coordinated fashion. This will achieve economies of scale, saving both time and money.
- e) When a federal department or agency proposes to take adjudicatory actions that impact authority delegated to states, notice should be provided to affected Governors' offices, and co-regulating states should have the opportunity to participate in the proceedings. Where legally permissible, that right should extend to federal agencies' settlement negotiations impacting state environmental and natural resource management prerogatives. Where their roles and responsibilities are impacted, states should be meaningfully consulted during settlement negotiations, including negotiations aimed at avoiding, rather than resolving, litigation (such as negotiations following a notice of intent to sue under the Endangered Species Act, but prior to a formal complaint being filed to initiate legal action).
- f) States' expertise should be recognized by federal agencies and robustly represented on boards and in other mechanisms upon which agencies rely for development of science to support regulatory action.

5. **Other Opportunities for Positive Engagement by the Federal Government with Western States**

- a) **Federalism Reviews** – Federal agencies are required by federal Executive Order 13132 to consider and quantify consequences of federal actions on states. In practice, the current process falls short of its stated goals. Governors call on the President to revisit the executive order to, among other things:

- i. Specifically involve Western Governors on issues (e.g., public lands, water and species issues) that disproportionately impact the West;
 - ii. Work with Governors to develop specific criteria and consultation processes: 1) for the initiation of federalism assessments and 2) that guide the performance of every federal Department and agency federalism assessment;
 - iii. Require federal Departments and agencies to meet the criteria developed under C(5)(a)(ii), rather than simply require the consideration of federalism implications;
 - iv. Provide states, through Governors, an opportunity to comment on federalism assessments before any covered federal action is submitted to the Office of Management and Budget for approval.
- b) **Federal and State Land-Use Planning** – Governors possess primary decision-making authority for management of state resources. Accordingly, it is essential that they have an opportunity to review new, revised and amended federal land management plans for consistency with existing state plans. Governors and their staffs have specific knowledge and experience that can help federal agencies craft effective and beneficial plans. A substantive role in federal agencies' planning processes is vital for Western Governors:
- i. Federal landscape-level planning presents new issues for Governors to consider as they attempt to ensure consistency between state and federal requirements. Agencies should provide Governors sufficient time to ensure a full and complete state review. This is particularly true when agency plans affect multiple planning areas or resources;
 - ii. Agencies should seek to align the review of multiple plans affecting the same resource. This is particularly true for threatened or endangered species that have vast western ranges;
 - iii. When reviewing proposed federal land management plans for consistency with state plans, Governors should be afforded the discretion to determine which state plans are pertinent to the review, including state-endorsed land use plans such as State Wildlife Action Plans, conservation district plans, county plans and multi-state agreements;
 - iv. Governors must retain a right to appeal any rejection of recommendations resulting from a Governor's consistency review.

- c) **Honoring Historic Agreements** – The federal government should honor its historic agreements with states and counties in the West to compensate them for state and local impacts associated with federal land use and nontaxable lands within their borders that are federally-owned.
- d) **Responsible Federal Land Management** – The federal government should be a responsible landowner and neighbor and should work diligently to improve the health of federally-owned lands in the West. Lack of funding and conflicting policies have resulted in large wildfires and the spread of invasive species from federally owned forests and grasslands, negatively impacting adjacent state and privately-owned lands, as well as state-managed natural resources (soils, air and water).
- e) **Recognizing State Contributions to Federal Land Management** – The U.S. Congress and appropriate federal departments and agencies should provide opportunities for expanded cooperation, particularly where states are working to help their federal partners to improve management of federal lands within their states' borders through the contribution of state expertise, manpower and financial resources.
- f) **Avoiding Unfunded Mandates** – The U.S. Congress and federal departments and agencies should avoid the imposition of unfunded federal mandates on states. The federal government increasingly requires states to carry out policy initiatives without providing the funding necessary to pay for implementation. State governments cannot function as full partners if the federal government requires them to devote their limited resources to compliance with unfunded federal mandates.
- g) **Other Considerations in Designing an Effective State-Federal Relationship** – Other important considerations in the design of a stronger state-federal relationship include:
 - i. The U.S. Congress and federal departments and agencies should respect the authority of states to determine the allocation of administrative and financial responsibilities within states in accordance with state constitutions and statutes. Federal action should not encroach on this authority.
 - ii. Federal assistance funds, including funds that will be passed through to local governments, should flow through states according to state laws and procedures.

- iii. States should be given flexibility to transfer a limited amount of funds from one grant program to another, and to administer related grants in a coordinated manner.
- iv. Federal funds should provide maximum state flexibility without specific set-asides.
- v. States should be given broad flexibility in establishing federally-mandated advisory groups, including the ability to combine advisory groups for related programs.
- vi. Governors should be given the authority to require coordination among state executive branch agencies, or between levels or units of government, as a condition of the allocation or pass-through of funds.
- vii. Federal government monitoring should be outcome-oriented.
- viii. Federal reporting requirements should be minimized.
- ix. The federal government should not dictate state or local government organization.

D. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct the WGA staff, where appropriate, to work with Congressional committees of jurisdiction and the Executive Branch to achieve the objectives of this resolution.
2. Furthermore, the Governors direct WGA staff to develop, as appropriate and timely, detailed annual work plans to advance the policy positions and goals contained in this resolution. Those work plans shall be presented to, and approved by, Western Governors prior to implementation. WGA staff shall keep the Governors informed, on a regular basis, of their progress in implementing approved annual work plans.

Western Governors enact new policy resolutions and amend existing resolutions on a bi-annual basis. Please consult www.westgov.org/policies for the most current copy of a resolution and a list of all current WGA policy resolutions.